1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP A Limited Liability Partnership **Including Professional Corporations** JILL M. PIETRINI (Cal. Bar No. 138335) jpietrini@sheppardmullin.com PAUL A. BOST (Cal. Bar No. 261531) pbost@sheppardmullin.com 1901 Avenue of the Stars, Suite 1600 Los Angeles, California 90067-6055 5 Telephone: (310) 228-3700 / Facsimile: (310) 228-3701 6 Attorneys for Defendants 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA 10 WESTERN DIVISION 11 BETWEEN THE LINES Case No. 2:14-cv-00104-R (PJWx) PRODUCTIONS, LLC a California 12 limited liability company, 13 Plaintiff. 14 V. LIONS GATE ENTERTAINMENT CORP., a British Columbia corporation, and SUMMIT ENTERTAINMENT. LLC, a Delaware limited liability 17 company, 18 Defendants. 19 SUMMIT ENTERTAINMENT, LLC, a 20 Delaware limited liability company. 21 Counterclaimant. 22 V. 23 BETWEEN THE LINES PRODUCTIONS, LLC, a California 24 limited liability company, and Does 1-25 10, inclusive, 26 Counter-Defendants. 27

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FILED CLERK, U.S. DISTRICT COURT JAN 27 2014 CENTRAL DISTRICT OF CALL CRNIA

DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT. LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL

Judge: Hon. Manuel L. Real

Defendants and Counterclaimants Lions Gate Entertainment Corp. ("Lions Gate") and Summit Entertainment, LLC ("Summit") (collectively, "Defendants") hereby answer the Complaint of Plaintiff and Counter-Defendant Between the Lines Productions, LLC ("Plaintiff") as follows:

JURISDICTION AND VENUE

A. SUBJECT MATTER JURISDICTION

- 1. Defendants admit that Plaintiff's action arises under the laws of the United States and that the first two counts may be entertained under the original jurisdiction of this Court. Defendants deny the remaining allegations in Paragraph 1 of the Complaint.
 - 2. Admit.
 - 3. Admit.
- 4. Defendants cannot admit or deny Paragraph 4 of the Complaint because it is not an allegation but a request of the Court. Further, Defendants deny that Count III is a valid claim.

B. PERSONAL JURISDICTION

- 5. Defendants admit that Lions Gate is a publicly traded North American company listed on the New York Stock Exchange with a small office in New York. Defendants deny the remaining allegations in Paragraph 5 of the Complaint.
- 6. Defendants admit that Summit is a wholly-owned subsidiary of Lions Gate that transacts business within the Southern District of New York. Defendants deny the remaining allegations in Paragraph 6 of the Complaint.

C. VENUE

7. Defendants admit that they transact business in the Southern District of New York. Defendants deny the remaining allegations in Paragraph 7 of the Complaint, and particularly that venue in the Southern District of New York was or is a convenient forum for Plaintiff, a California limited liability company, and Defendants, both of which are headquartered in California.

<u>PARTIES</u>

A. PLAINTIFF

- 8. Defendants admit that Plaintiff is a California liability company.

 Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 8 of the Complaint and on that basis deny them.
- 9. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 9 of the Complaint and on that basis deny them.
- 10. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 10 of the Complaint and on that basis deny them.
- 11. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 11 of the Complaint and on that basis deny them.

B. DEFENDANTS

- 12. Defendants admit that Lions Gate is a Canadian company, headquartered in California and in the business of motion picture production and distribution, television programming and syndication, home entertainment, family entertainment, digital distribution, new channel platforms and international distribution and sales. Defendants deny the remaining allegations in Paragraph 12 of the Complaint.
 - 13. Admit.
 - 14. Admit.
- 25 | 15. Admit.

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THE TWILIGHT SAGA MOVIE FRANCHISE

A. BOOK

- 17. Defendants admit that Stephenie Meyer is the author of a series of four novels, the first of which is named *Twilight*. Defendants are without knowledge or information sufficient to form a belief as to the remainder of allegations in Paragraph 17 of the Complaint or their purported source and on that basis deny them.¹
- 18. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 18 of the Complaint or their purported source and on that basis deny them.
- 19. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 19 of the Complaint or their purported source and on that basis deny them.

B. MOVIES

- 20. Defendants admit that Summit, on November 21, 2008, released the movie *Twilight* in the United States, which was based on the best-selling book of the same name by Stephenie Meyer. Defendants admit that *Twilight* and its sequels are referred to as *The Twilight Saga*. Defendants admit that *Twilight* is, in part, a fantasy romance about teenagers and vampires who attend a high school in the United States. Defendants deny the remaining allegations of Paragraph 20 of the Complaint.
- 21. Defendants admit that Summit, on November 20, 2009, released the second movie in *The Twilight Saga*, *The Twilight Saga*: *New Moon* ("*New Moon*"), in the United States, which was based on the best-selling book *New Moon* by Stephenie Meyer. Defendants are without knowledge or information sufficient to

The Complaint does not include a Paragraph 16. Thus, Defendants have omitted Paragraph 16 from their Answer.

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form a belief as to the remainder of allegations in Paragraph 21 of the Complaint and on that basis deny them.

- 22. Defendants admit that Summit, on June 30, 2010, released the third movie in The Twilight Saga, The Twilight Saga: Eclipse ("Eclipse"), in the United States.
- 23. Defendants admit that Summit, on November 18, 2011, released the fourth movie in The Twilight Saga, The Twilight Saga: Breaking Dawn – Part 1, in the United States. Defendants are without knowledge or information sufficient to form a belief as to the remainder of allegations in Paragraph 23 of the Complaint and on that basis deny them.
- 24. Defendants admit that Summit, on November 16, 2012, released the fifth movie in The Twilight Saga, The Twilight Saga: Breaking Dawn – Part 2, in the United States. Defendants are without knowledge or information sufficient to form a belief as to the remainder of allegations in Paragraph 24 of the Complaint and on that basis deny them.

"TWIHARD" FANATICS

- Defendants admit that Twilight has a dedicated and loyal fan base, the 25. fact of which was documented by the media. Defendants are without knowledge or information sufficient to form a belief as to the remainder of allegations in Paragraph 25 of the Complaint and on that basis deny them.
- 26. Defendants admit that the term "twihard" has been used to refer to fans of The Twilight Saga. Defendants are without knowledge or information sufficient to form a belief as to the remainder of allegations in Paragraph 26 of the Complaint and on that basis deny them.
- 27. Defendants admit that the term "twihard" has been used to refer to fans of The Twilight Saga. Defendants are without knowledge or information sufficient to form a belief as to the remainder of allegations in Paragraph 27 of the Complaint or their purported source and on that basis deny them.

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belief as to the allegations in Paragraph 28 of the Complaint or their purported source and on that basis deny them.

Defendants are without knowledge or information sufficient to form a

- Defendants are without knowledge or information sufficient to form a 29. belief as to the allegations in Paragraph 29 of the Complaint or their purported source and on that basis deny them.
- Defendants are without knowledge or information sufficient to form a 30. belief as to the allegations in Paragraph 30 of the Complaint or their purported source and on that basis deny them.
- 31. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 31 of the Complaint or their purported source and on that basis deny them.
- Defendants are without knowledge or information sufficient to form a 32. belief as to the allegations in Paragraph 32 of the Complaint and on that basis deny them.
- 33. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 33 of the Complaint or their purported source and on that basis deny them.
- Defendants are without knowledge or information sufficient to form a 34. belief as to the allegations in Paragraph 34 of the Complaint or their purported source and on that basis deny them.

CONTROVERSIAL VIEWPOINTS D.

- Defendants admit that *The Twilight Saga* is popular. Defendants are 35. without knowledge or information sufficient to form a belief as to the allegations in Paragraph 35 of the Complaint and on that basis deny them.
- Defendants are without knowledge or information sufficient to form a 36. belief as to the allegations in Paragraph 36 of the Complaint and on that basis deny them.

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- Defendants admit that teenagers are among the demographics to which 37. Summit has marketed *The Twilight Saga*. Defendants deny the remaining allegations in Paragraph 37 of the Complaint.
- Defendants admit that The Twilight Saga addresses some serious and 38. mature issues. Defendants deny the remaining allegations in Paragraph 38 of the Complaint.
- 39. Defendants admit that Summit's counsel has written that *The Twilight* Saga is known for its wholesomeness. Defendants deny the remaining allegations in Paragraph 39 of the Complaint.
- Defendants are without knowledge or information sufficient to form a 40. belief as to the allegations in Paragraph 40 of the Complaint or their purported source and on that basis deny them.
- 41. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 41 of the Complaint or their purported source and on that basis deny them.
- 42. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 42 of the Complaint or their purported source and on that basis deny them.
 - 43. Deny.
- Defendants admit that one of the main plots of *The Twilight Saga* is the 44. relationship between Bella Swan and Edward Cullen. Defendants deny the remaining allegations of Paragraph 44 of the Complaint.
 - 45. Deny.
 - 46. Deny.

<u>DEFENDANTS' SELF-AUTHORIZED SPOOFS OF</u> <u>THE TWILIGHT SAGA MOVIES</u>

A. VAMPIRE SUCKS (2010)

- 47. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 47 of the Complaint and on that basis deny them.
 - 48. Deny.

- 49. Deny.
- 50. Deny.
- 51. Deny.
- 52. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 52 of the Complaint and on that basis deny them.
- 53. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 53 of the Complaint and on that basis deny them.
- 54. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 54 of the Complaint and on that basis deny them.
- 55. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 55 of the Complaint and on that basis deny them.
- 56. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 56 of the Complaint and on that basis deny them.
- 57. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 57 of the Complaint and on that basis deny them.

B. BREAKING WIND (2012)

66. Defendants admit that *Breaking Wind* is an authorized parody of *Eclipse*.

- 58. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 58 of the Complaint and on that basis deny them.
- 59. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 59 of the Complaint and on that basis deny them.
- 60. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 60 of the Complaint and on that basis deny them.
- 61. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 61 of the Complaint and on that basis deny them.
- 62. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 62 of the Complaint and on that basis deny them.
- 63. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 63 of the Complaint and on that basis deny them.
- 64. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 64 of the Complaint and on that basis deny them.
- 65. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 65 of the Complaint and on that basis deny them.

- 67. Defendants admit that *Breaking Wind* relates to characters and plotlines in *The Twilight Saga*. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 67 of the Complaint and on that basis deny them.
- 68. Defendants admit that *Breaking Wind* relates to characters and plotlines in *Eclipse*. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 68 of the Complaint and on that basis deny them.
- 69. Defendants admit that *Breaking Wind* was marketed with Defendants' permission as a parody of *The Twilight Saga*. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 69 of the Complaint and on that basis deny them.
- 70. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 70 of the Complaint and on that basis deny them.
- 71. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 71 of the Complaint and on that basis deny them.
- 72. Defendants admit that Lions Gate provided this synopsis to certain retailers of *Breaking Wind*. Plaintiff has added bolded fonts and underlines to the synopsis which were not present in the version provided by Defendants.
- 73. Defendants admit that a subsidiary of Lions Gate released *Breaking Wind*, which was marketed with Defendants' permission as a parody of *The Twilight Saga*. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 73 of the Complaint and on that basis deny them.
 - 74. Admit.

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- **PRODUCTION** A.
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- Defendants admit that Breaking Wind was theatrically released in 75. foreign markets, including Brazil, Italy, the Philippines, and Singapore. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 75 of the Complaint and on that basis deny them.
 - Admit. 76.
- Defendants admit that Breaking Wind is available for digital download at the Apple iTunes store. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 77 of the Complaint and on that basis deny them.
- Defendants are without knowledge or information sufficient to form a 78. belief as to the allegations in Paragraph 78 of the Complaint and on that basis deny them.
- 79. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 79 of the Complaint and on that basis deny them.
- 80. Defendants admit that a version of *Breaking Wind* released in the U.S. is labeled as "Unrated/Director's Cut." Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 80 of the Complaint and on that basis deny them.
- Defendants are without knowledge or information sufficient to form a 81. belief as to the allegations in Paragraph 81 of the Complaint and on that basis deny them.
 - **TWIHARDER: PLAINTIFF'S COMEDIC SPOOF**
- 82. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 82 of the Complaint and on that basis deny them.

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- Defendants are without knowledge or information sufficient to form a 83. belief as to the allegations in Paragraph 83 of the Complaint and on that basis deny them.
- 84. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 84 of the Complaint and on that basis deny them.
- 85. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 85 of the Complaint and on that basis deny them.
- 86. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 86 of the Complaint and on that basis deny them.
- 87. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 87 of the Complaint and on that basis deny them.

KEY "TWIHARDER ASSETS" B.

- Defendants cannot admit or deny Paragraph 88 of the Complaint 88. because it is not an allegation.
- 89. Defendants cannot admit or deny Paragraph 89 of the Complaint because it is not an allegation.

C. INITIAL USE IN COMMERCE OF TWIHARDER MOVIE TITLE

- 90. Deny.
- 91. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 91 of the Complaint and on that basis deny them.
- 92. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 92 of the Complaint and on that basis deny them.

D. INITIAL PRODUCTION OF PLAINTIFF'S AUDIOVISUAL WORKS

- 93. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 93 of the Complaint and on that basis deny them.
- 94. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 94 of the Complaint and on that basis deny them.
- 95. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 95 of the Complaint and on that basis deny them.
- 96. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 96 of the Complaint and on that basis deny them.
- 97. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 97 of the Complaint and on that basis deny them.

E. INITIAL USE IN COMMERCE OF PLAINTIFF'S LOGO & TRADE DRESS

- 98. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 98 of the Complaint and on that basis deny them.
- 99. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 99 of the Complaint and on that basis deny them.

F. *<TWIHARDER>* WEBSITE

100. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 100 of the Complaint and on that basis deny them.

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- 101. Defendants admit that the website on <www.twiharder.com> is operational and appears to serve as promotional website for the motion picture *Twiharder*. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 101 of the Complaint and on that basis deny them.
- 102. Defendants admit that the quoted language appears on the website on www.twiharder.com. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 102 of the Complaint and on that basis deny them.

DEFENDANTS' OBJECTIVELY BASELESS C&D CAMPAIGN

A. "TWIHARDER" VS. "TWIHARD"

- 103. Defendants admit that it received an email from Amy Wright who purported to act on behalf of Plaintiff. Defendants deny that Ms. Wright's legal analysis and factual recitation stated in such correspondence is or was correct.
 - 104. Admit.
- 105. Defendants admit that on December 14, 2011, Summit requested that the PTO divide its application to register TWIHARD, Ser. No. 85/128,736.

B. DEFENDANTS' INTERFERENCE WITH WORLDWIDE DISTRIBUTION

- 106. Defendants are without knowledge or information sufficient to form a belief as to the allegations in Paragraph 106 of the Complaint and on that basis deny them.
- 107. Defendants admit that on June 13, 2012, Summit requested a second extension with the PTO to file a Statement of Use with respect to its application to register TWIHARD, Ser. No. 85/128,736. Defendants deny the remaining allegations in Paragraph 107 of the Complaint.
 - 108. Deny.

- 109. Defendants admit that Summit's attorneys sent Plaintiff a cease and desist letter dated June 27, 2012 regarding *Twiharder*. Defendants deny that the letter was a "sham" and the remaining allegations in Paragraph 109 of the Complaint.
- 110. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's cease and desist letter dated June 27, 2012 to Plaintiff. Defendants deny the remaining allegations in Paragraph 110 of the Complaint.
- 111. Defendants admit that Summit's cease and desist letter dated June 27, 2012 to Plaintiff included certain demands of Plaintiff. Defendants deny the remainder of the allegations in Paragraph 111 of the Complaint.
- 112. Defendants admit that Summit first communicated with an individual purporting to act on the behalf of Plaintiff in December 2011. Defendants are without knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 112 of the Complaint and on that basis deny them.
 - 113. Admit.
- 114. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's attorneys' letter to Plaintiff's attorney dated April 18, 2013. Defendants deny the remainder of the allegations in Paragraph 114 of the Complaint.
- 115. Defendants admit that the blocked quotes referenced by Plaintiff are from Summit's cease and desist letter dated June 27, 2012 to Plaintiff. Defendants deny the remainder of the allegations in Paragraph 115 of the Complaint.
- 116. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's cease and desist letter dated June 27, 2012 to Plaintiff. Defendants deny the remainder of the allegations in Paragraph 116 of the Complaint.
- 117. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's letter dated July 24, 2012 to Plaintiff's attorney. Defendants deny the remainder of the allegations in Paragraph 117 of the Complaint.

- 118. Defendants cannot admit or deny Paragraph 118 of the Complaint because it is not an allegation, but a legal conclusion.
 - 119. Deny.
 - 120. Deny.
- 121. Defendants cannot admit or deny Paragraph 121 of the Complaint because it is not an allegation, but a legal conclusion.
- 122. Deny, to the extent Defendants understand the allegation, which is unintelligible.
 - 123. Deny.
 - 124. Deny.
- 125. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's cease and desist letter dated June 27, 2012 to Plaintiff. Defendants deny the remainder of the allegations in Paragraph 125 of the Complaint.
- 126. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's cease and desist letter dated June 27, 2012 to Plaintiff. Defendants deny the remainder of the allegations in Paragraph 126 of the Complaint.
- 127. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's letter dated July 24, 2012 to Plaintiff's attorney. Defendants deny the remainder of the allegations in Paragraph 127 of the Complaint.
- 128. Defendants admit that their letter dated July 24, 2012 to Plaintiff's counsel included certain demands of Plaintiff. Defendants deny the remainder of the allegations in Paragraph 128 of the Complaint. Further, Plaintiff's allegations containing its interpretation of settlement of this dispute is improper under Fed.R.Evid. 408.
- 129. Defendants admit that in correspondence dated October 3, 2012, Plaintiff's counsel wrote that Plaintiff would change the title of *Twiharder*, surrender its domain name, and graphically alter its movie logo as part of a mutual release and settlement. Defendants deny the remainder of the allegations in

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Paragraph 129 of the Complaint. Further, Plaintiff's allegations containing its interpretation of settlement of this dispute is improper under Fed.R.Evid. 408.

- Defendants admit that the blocked quote referenced by Plaintiff is from Summit's letter dated October 30, 2012 to Plaintiff's attorney. Defendants deny the remainder of the allegations in Paragraph 130 of the Complaint. Further, Plaintiff's allegations containing its interpretation of settlement of this dispute is improper under Fed.R.Evid. 408.
- 131. Defendants admit that the quote referenced by Plaintiff is from Summit's letter dated January 15, 2013 to Plaintiff's attorney, albeit in the following context (which Plaintiff omitted): "Summit cannot agree to settlement of this dispute short of Between the Lines Productions' agreement to stop all display and efforts to distribute the Twiharder film, including any use on any websites or solicitations for sale or distribution." Defendants deny the remainder of the allegations in Paragraph 131 of the Complaint. Further, Plaintiff's allegations containing its interpretation of settlement of this dispute is improper under Fed.R.Evid. 408.
- 132. Defendants admit that the blocked quote referenced by Plaintiff combines two sentences from Summit's letter dated January 15, 2013 to Plaintiff's attorney, although Plaintiff has misleadingly edited the two sentences so that they appear to have appeared in succession, when, in fact, they do not. Defendants deny the remainder of the allegations in Paragraph 132 of the Complaint. Further, Plaintiff's allegations containing its interpretation of settlement of this dispute is improper under Fed.R.Evid. 408.
- 133. Defendants admit that the blocked quote referenced by Plaintiff is from Summit's letter dated July 24, 2012 to Plaintiff's attorney. Defendants deny the remainder of the allegations in Paragraph 133 of the Complaint.

134. Defendants are without knowledge or information sufficient to form a 1 belief as to the allegations in Paragraph 134 of the Complaint and on that basis deny 2 3 them. 135. Deny. 4 5 136. Deny. 137. Defendants admit that the blocked quote referenced by Plaintiff is from 6 7 Summit's letter dated January 15, 2013 to Plaintiff's attorney. Defendants deny the remainder of the allegations in Paragraph 137 of the Complaint. 8 9 **COUNT I** (Declaratory Judgment of Non-Infringement – Copyrighted Motion Pictures) 10 138. Defendants repeat and reallege every response set forth above as if set 11 forth fully herein. 12 139. Defendants admit that the parties' dispute regarding Plaintiff's 13 copyright infringement suffices to establish a "case of actual controversy." 14 Defendants deny the remainder of the allegations in Paragraph 139 of the 15 16 Complaint. 17 140. Defendants cannot admit or deny Paragraph 140 of the Complaint 18 because it is not an allegation. 19 141. Defendants cannot admit or deny Paragraph 141 of the Complaint because it is not an allegation. 20 21 142. Defendants cannot admit or deny Paragraph 142 of the Complaint 22 because it is not an allegation. 23 143. Defendants cannot admit or deny Paragraph 143 of the Complaint because it is not an allegation. 24 25 /// 26 27 ///

COUNT II 1 (Declaratory Judgment of Non-Infringement/Non-Dilution – Trademarks & 2 3 **Servicemarks**) 144. Defendants repeat and reallege every response set forth above as if set 4 5 forth fully herein. 145. Defendants admit that Summit sent Plaintiff a cease and desist letter 6 7 dated June 27, 2012, the contents of which speak for itself. Defendants deny the remaining allegations of Paragraph 145 of the Complaint. 8 9 146. Defendants admit that Summit has not withdrawn its allegation that Plaintiff's actions violate Summit's rights under the Lanham Act. Defendants deny 10 11 the remaining allegations of Paragraph 146. 147. Defendants cannot admit or deny Paragraph 141 of the Complaint 12 13 because it is not an allegation. 14 148. Defendants cannot admit or deny Paragraph 142 of the Complaint because it is not an allegation. 15 16 **COUNT III** 17 (Prima Facie Tort – Damages) 18 149. Defendants repeat and reallege every response set forth above as if set forth fully herein. 19 20 150. Deny. 21 151. Deny. 22 152. Deny. 23 Deny. Further, Plaintiff's allegations containing its interpretation of 24 settlement of this dispute is improper under Fed.R.Evid. 408. 25 154. Deny. 155. Deny. 26 27 /// 28

1 PLAINTIFF'S PRAYER FOR RELIEF 2 Defendants deny that Plaintiff is entitled to (i) any judgment, declaration, order, or decree against Defendants and/or (ii) any relief – equitable or otherwise – 3 requested in Plaintiff's prayer for relief. 4 5 **DEMAND FOR JURY TRIAL** Defendants request a trial by jury on all issues so triable in this action. 6 7 **DEFENDANTS' AFFIRMATIVE DEFENSES** 8 FIRST DEFENSE 9 (Failure to State a Claim) Plaintiff fails to state a claim for which relief can be granted. 10 11 **SECOND DEFENSE** (Laches) 12 Plaintiff's claims are barred, in whole or part, by the doctrine of laches. 13 14 THIRD DEFENSE 15 (Acquiescence) Plaintiff's claims are barred, in whole or part, by the doctrine of acquiescence. 16 17 **FOURTH DEFENSE** 18 (Waiver) Plaintiff's claims are barred, in whole or part, by the doctrine of waiver. 19 20 FIFTH DEFENSE 21 (Estoppel) Plaintiff's claims are barred, in whole or part, by the doctrine of estoppel. 22 23 **SIXTH DEFENSE** 24 (Privilege) Plaintiff's claims are barred, in whole or part, because Defendants' conduct is 25 privileged. 26 27 /// 28

SEVENTH DEFENSE 1 2 (Unclean Hands) Plaintiff's claims are barred, in whole or part, by the doctrine of unclean 3 4 hands. 5 **EIGHTH DEFENSE** (Abuse of Process) 6 Plaintiff's claims are barred, in whole or part, because of its and/or its 7 counsel's abuse of process. 8 9 NINTH DEFENSE 10 (Vexatious Litigation – 28 U.S.C. § 1927) Plaintiff's claims are barred, in whole or part, and/or its recovery, if any, is 11 mitigated by its and/or its counsel's unreasonable and vexatious multiplication of 12 13 proceedings. 14 **TENTH DEFENSE** 15 (Statute of Limitations) 16 Plaintiff's claims are barred, in whole or part, by the relevant statutes of limitations governing its claims. 17 18 ELEVENTH DEFENSE 19 (Subject-Matter Jurisdiction) Plaintiff's claims are barred, in whole or part, because the Court lacks 20 subject-matter jurisdiction. 21 22 TWELFTH DEFENSE 23 (Reservation of Rights and Remedies) Defendants reserve the right to raise additional defenses as they become 24 25 aware of them. 26 **DEFENDANTS' PRAYER FOR RELIEF** 27 WHEREFORE, Defendants pray for judgment as follows: 28

- a. Plaintiff take nothing by way of the Complaint and the Court dismiss the Complaint with prejudice;
- b. The Court enter judgment that Defendants are the prevailing party in this action;
- c. The Court award Defendants all their costs, expenses, and attorneys' fees; and
- d. The Court award any and all other relief to which Defendants may be entitled.

SUMMIT'S COUNTERCLAIMS

Summit, for its counterclaims against Plaintiff, alleges as follows:

JURISDICTION

- 1. This action arises under the trademark and anti-dilution laws of the United States, 15 U.S.C. § 1125, *et seq.*; the Copyright Act of 1976, as amended, 17 U.S.C. § 101, *et seq.*; and under the statutory and common law of unfair competition. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and (b), and § 1367, 15 U.S.C. § 1121, and 17 U.S.C. § 501. This action arises under the laws of the United States.
- 2. Venue is proper under 28 U.S.C. § 1391(b) and (c) because Summit resides in this District and Plaintiff alleges it resides in this District, and, on information and belief, Plaintiff is subject to personal jurisdiction in this District, and/or a substantial part of the events or omissions giving rise to property that is the subject of the action is situated in this District.

PARTIES

- 3. Summit is a Delaware limited liability company having its principal place of business in Santa Monica, California.
 - 4. On information and belief, Plaintiff is a California limited liability

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company having its principal place of business in Los Angeles, California, and, on information and belief, did and/or is doing business in the State of California and in this District.

- 5. Does 1 through 10 are yet unknown persons that are or have been involved in the production, distribution, and/or promotion of Plaintiff's Twiharder motion picture, related promotional videos and materials, or related merchandise.
 - Plaintiff is subject to personal jurisdiction in this District. 6.

FACTS

Summit's Business, Trademarks, and Copyrights

- Since at least as early as 1991, Summit and its predecessors have been 7. an active participant in the motion picture industry. Summit has produced and distributed films and related entertainment products, and has also been involved in motion picture financing, production, and distribution services.
- 8. Summit also licenses the trademarks associated with the motion pictures it produces and distributes for use on various items of merchandise, including clothing, beverageware, and bags.
- 9. Summit is the producer and distributor of the highly successful Twilight motion picture franchise, which is based on novels written by Stephenie Meyer. The first movie in the series, *Twilight*, is about a teenage girl, Bella Swan, who falls in love with a vampire, Edward Cullen. Bella's other suitor in the film is Jacob Black, a werewolf. The film was theatrically released in the United States on November 21, 2008. Following the release of *Twilight*, Summit theatrically released the following sequels: The Twilight Saga: New Moon ("New Moon"), released in the U.S. on November 20, 2009; The Twilight Saga: Eclipse ("Eclipse"), released in the U.S. on June 30, 2010; The Twilight Saga: Breaking Dawn – Part 1, released in the U.S. on November 18, 2011; and, the final picture in the series, *The Twilight* Saga: Breaking Dawn – Part 2, released in the U.S. on November 16, 2012 (collectively, the "Twilight Motion Pictures"). Each of the Twilight Motion Pictures

was heavily promoted months before its release and was phenomenally successful at 1 2 the theatrical box office and in the home media market. 3 10. Summit is the owner of the trademark TWILIGHT in block letters and in a distinctive stylized font (the "stylized TWILIGHT mark"), the trademark THE 4 5 TWILIGHT SAGA, and other marks including the term TWILIGHT (collectively the "TWILIGHT Marks"). Summit owns common law rights and federal 7 registrations of the following TWILIGHT Marks: BELLA TWILIGHT in Class 14 8 (Reg. No. 4,222,783), BELLA TWILIGHT in Class 20 (Reg. No. 4,222,784), LUNA TWILIGHT in Class 3 (Reg. No. 3,929,237), NOX TWILIGHT in Class 3 9 10 (Reg. No. 4,173,761), THE TWILIGHT SAGA in Class 4 (Reg. No. 4,079,451), 11 THE TWILIGHT SAGA in Class 5 (Reg. No. 4,016,125), THE TWILIGHT SAGA in Class 9 (Reg. No. 4,177,174), THE TWILIGHT SAGA in Class 14 (Reg. No. 12 13 4,151,799), THE TWILIGHT SAGA in Class 16 (Reg. No. 4,177,175), THE 14 TWILIGHT SAGA in Class 16 (Reg. No. 4,321,492), THE TWILIGHT SAGA in Class 18 (Reg. No. 4,324,927), THE TWILIGHT SAGA in Class 20 (Reg. No. 15 16 4,151,800), THE TWILIGHT SAGA in Class 20 (Reg. No. 4,321,493), THE 17 TWILIGHT SAGA in Class 21 (Reg. No. 4,165,921), THE TWILIGHT SAGA in 18 Class 21 (Reg. No. 4,335,388), THE TWILIGHT SAGA in Class 24 (Reg. No. 19 4,151,801), THE TWILIGHT SAGA in Class 24 (Reg. No. 4,321,494), THE TWILIGHT SAGA in Class 25 (Reg. No. 4,147,960), THE TWILIGHT SAGA in 20 21 Class 26 (Reg. No. 4,339,211), THE TWILIGHT SAGA in Class 30 (Reg. No. 22 4,016,126), THE TWILIGHT SAGA in Class 41 (Reg. No. 4,175,800), THE 23 TWILIGHT SAGA in Class 45 (Reg. No. 4,012,682), TWILIGHT in Class 4 (Reg. 24 No. 4,175,905), TWILIGHT in Class 5 (Reg. No. 3,861,517), TWILIGHT in Class 25 9 (Reg. No. 3,884,386), TWILIGHT in Class 16 (Reg. No. 4,067,513), TWILIGHT in Class 18 (Reg. No. 3,884,385), TWILIGHT in Class 21 (Reg. No. 4,063,716), 26 27 TWILIGHT in Class 25 (Reg. No. 3,944,718), TWILIGHT in Class 26 (Reg. No.

3,867,985), TWILIGHT in Class 28 (Reg. No. 4,096,676), TWILIGHT in Classes

20 & 24 (Reg. No. 4,109,098), TWILIGHT in Classes 9 & 41 (Reg. No. 4,084,243), 1 2 TWILIGHT in Classes 41 & 45 (Reg. No. 3,756,560), TWILIGHT (Stylized) in 3 Class 5 (Reg. No. 4,239,625), TWILIGHT (Stylized) in Class 9 (Reg. No. 4,175,456), TWILIGHT (Stylized) in Class 9 (Reg. No. 4,268,558), TWILIGHT 4 5 (Stylized) in Class 11 (Reg. No. 4,175,208), TWILIGHT (Stylized) in Class 20 (Reg. No. 4,218,172), TWILIGHT (Stylized) in Class 21 (Reg. No. 4,094,221), TWILIGHT (Stylized) in Class 22 (Reg. No. 4,135,884), TWILIGHT (Stylized) in 7 8 Class 24 (Reg. No. 4,103,469), TWILIGHT (Stylized) in Class 25 (Reg. No. 9 4,091,590), TWILIGHT (Stylized) in Class 30 (Reg. No. 4,350,445), TWILIGHT 10 (Stylized) in Class 41 (Reg. No. 4,103,470), TWILIGHT (Stylized) in Class 45 11 (Reg. No. 3,817,079), TWILIGHT TRACKER in Class 9 (Reg. No. 3,793,131), THE TWILIGHT SAGA in Class 28 (Reg. No. 4,369,020), TWILIGHT (Stylized) 12 13 in Class 18 (Reg. No. 4,368,828), TWILIGHT (Stylized) in Class 21 (Reg. No. 14 4,368,830), TWILIGHT BRIDAL in Class 21 (Reg. No. 4,369,085), TWILIGHT BRIDAL in Class 24 (Reg. No. 4,369,086), TWILIGHT (Stylized) in Class 26 (Reg. 15 16 No. 4,372,794), BELLA TWILIGHT in Class 24 (Reg. No. 4,384,462), TWIHARD in Class 25 (Reg. No. 4,110,325), and TWIHARD in Class 25 (Reg. No. 4,376,816). 17 18 True and correct copies of these certificates of registration are attached hereto as 19 **Exhibit A**. Summit also has many additional pending federal trademark applications to register the TWILIGHT Marks for use on various types of goods and 20 services, copies of which are attached hereto as Exhibit B. Summit's Stylized 21 22 TWILIGHT mark is shown below:

twilight

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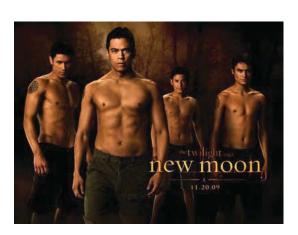
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11. Summit has licensed its TWILIGHT trademark to third parties to sell on and in conjunction with clothing, bags, beverageware, and other products and services. Summit's licensees first sold clothing bearing the TWILIGHT mark in May 2008 and first sold clothing bearing the TWIHARD mark in September 2008

and continue to sell such clothing.

- 12. By virtue of the popularity of the *Twilight* Motion Pictures, the significant sales of licensed merchandise, and the significant publicity relating to the *Twilight* Motion Pictures, among other things, the TWILIGHT Marks have developed secondary meaning in the marketplace and become famous.
- 13. Summit is the copyright owner of all publicity, promotional, unit, and special shoot photography relating to the *Twilight* Motion Pictures. Specifically, and as pertinent to this matter, Summit is the copyright owner in promotional posters for *New Moon* depicting the characters Edward, Jacob, and Bella (the "New Moon Poster") and characters from *New Moon* known as the "Wolfpack" (the "Wolfpack Poster") as reflected immediately below:





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Summit is also the copyright owner for a promotional poster for *Eclipse* depicting the characters Edward, Bella, and Jacob (the "Eclipse Poster"), as reflected

immediately below:

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THE FIGURE WITH A CROICE

12 Summit registered its copyright ownership in the New Moon Poster with the U.S.

13 Copyright Office on November 6, 2009, which was granted Registration No. VA 1-

14 | 689-491. Summit registered its copyright ownership in the Wolfpack Poster with

the U.S. Copyright Office on November 6, 2009, which was granted Registration

16 No. VA 1-689-492. Summit registered its copyright ownership in the Eclipse Poster

17 with the U.S. Copyright Office on June 25, 2011, which was granted Registration

No. VA 1-778-457. True and correct copies of these registrations are attached hereto as **Exhibit C**.

hereto as **Exhibit C**.

20 | 14. Summit

14. Summit also owns the copyrights in the *Twilight* Motion Pictures themselves. Summit has registered its copyright ownership of the above works with the U.S. Copyright Office as follows:

23	Title of Work	Reg. No. and Date	Authorship	Nature of Work
24	Twilight	PA 1-616-599 December 12, 2008	Summit	Motion Picture
25		2000112, 2000		
26	The Twilight Saga: New Moon	PA 1-653-512 November 24,	Summit	Motion Picture
27		2009		
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- 1				
1	The Twilight Saga:	PA 1-689-175	Summit	Motion Picture
2	Eclipse	July 2, 2010		
3	The Twilight Saga:	PA 1-758-397	Summit	Motion Picture
4	Breaking Dawn – Part 1	November 18, 2011		
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6	The Twilight Saga: Breaking Dawn –	PA 1-812-965 November 13,	Summit	Motion Picture
7	Part 2	2012		
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True and correct copies of the above copyright registrations are attached hereto as **Exhibit D**.

- 15. Summit has licensed its copyrighted photographs to third parties to promote the *Twilight* Motion Pictures, as well as for use on clothing and other products related to the *Twilight* Motion Pictures and/or bearing the TWILIGHT mark.
- 16. Summit owns copyrights in various other photographs and artwork associated with and derived from the *Twilight* Motion Pictures.

Plaintiff and its Infringing Actions

- 17. On information and belief, Plaintiff is a production company in the business of developing and producing motion pictures.
- 18. On information and belief, Plaintiff's principals are John Gearries and Christopher Sean Friel, a.k.a. or p.k.a. Christopher Sean.
- 19. Around late 2011 or early 2012, Summit became aware of the fact that Plaintiff had produced or was producing a motion picture entitled *Twiharder* without Summit's authorization or permission. The motion picture is based on the *Twilight* Motion Pictures specifically, *Twilight* and *New Moon* and their plotlines and characters. The motion picture's title, *Twiharder*, is derived from the term "twihard," which is associated with the *Twilight* Motion Pictures and fans thereof, and, as reflected above, Plaintiff has registered its trademark rights in

TWIHARD for use with clothing. To promote its motion picture, Plaintiff, without Summit's authorization, uses the word "twiharder" in a font intentionally similar to Summit's Stylized TWILIGHT Mark, as shown below:

twilight

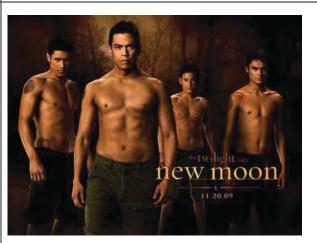


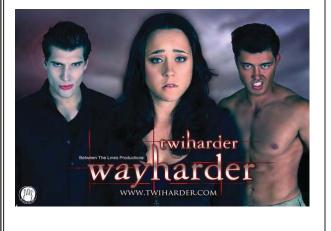
20. Plaintiff promotes its motion picture on a website on the domain name www.twiharder.com, which features, among other things, promotional artwork (described in greater detail below) and trailers for and music videos related to *Twiharder*. Plaintiff solicits donations on its website that can be made via <PayPal.com. Plaintiff distributes through its website and other channels posters and other artwork to promote *Twiharder* and a purported sequel, *Twiharder*: *Way Harder*, many of which, without Summit's authorization, intentionally approximate Summit's promotional materials for *New Moon* and *Eclipse*, as reflected below:

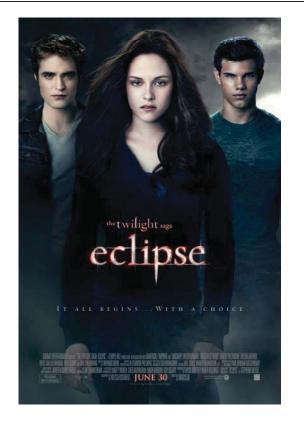
Plaintiff's Work THE GREATEST LOVE STORY OF ALL TIME TYMINSTRI (INSTANCE) WWW.TWIHARDER.COM WWW.TWIHARDER.COM WWW.TWIHARDER.COM WING ROUGH CHIEF CHIEF

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Plaintiff offers for sale digital downloads of the above posters, as well as other artwork and music, on its website.

21. Plaintiff has offered for sale and sold, without Summit's authorization, various types of merchandise – including clothing, hats, beverageware, coasters, notebooks, and tote bags – bearing the TWIHARDER mark and promotional

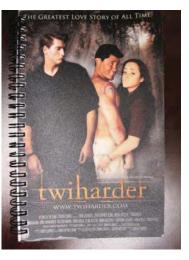
artwork related to *Twiharder*. Photographs of examples of these infringing items are attached hereto as **Exhibit E** and depicted immediately below:















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On information and belief, Plaintiff filed two applications to register 22. TWIHARDER. The first such application was filed on July 14, 2010 and sought registration of TWIHARDER for "fuel pumps for service stations," which was assigned Ser. No. 85/084,979. The specimen of use submitted with Plaintiff's first application was a flyer relating to Plaintiff's motion picture. On November 3, 2010, the U.S. Patent & Trademark Office ("PTO") issued an Examiner's Amendment/Priority Action refusing registration of this application on the ground that the specimen submitted by Plaintiff did "not show the applied-for mark used in connection with any of the goods and/or services specified in the application." Plaintiff did not timely respond to the Examiner's Amendment/Priority Action, resulting in the abandonment of that application. Subsequently, on June 27, 2011, Plaintiff filed another application to register TWIHARDER for "entertainment in the nature of a series of short films and feature film," which was assigned Ser. No. 85/357,228. On October 13, 2011, the PTO issued an office action refusing registration of this application on a number of grounds, including Summit's priorfiled application to register TWIHARD in Class 25, which Summit ultimately divided and which matured into Registration Nos. 4,110,325 and 4,376,816. Plaintiff never responded to the PTO's office action, and Plaintiff's second application to register TWIHARDER – like its first – was abandoned.

- 23. On or around June 27, 2012, Summit sent Plaintiff a cease and desist letter demanding that it cease its above-described infringing actions and unfair competition. A true and correct copy of that letter is attached hereto as **Exhibit F**. The parties and their counsels subsequently exchanged correspondences setting forth their respective positions.
- 24. In December 2012, representatives of Summit and its counsel attended a screening of *Twiharder* at Plaintiff's former counsel's office and at the invitation of Plaintiff and its former counsel. The screening of the motion picture did not allay

Summit's fears but, instead, confirmed its belief that the motion picture and its 1 2 related promotional artwork infringed Summit's copyrights in and related to the Twilight Motion Pictures and that Plaintiff's use of Twiharder as the title of its 3 motion picture and on merchandise was likely to confuse consumers into believing 4 5 that the motion picture and merchandise were associated, connected, or affiliated with, or endorsed, sponsored, or approved by, Summit, when, in fact, they were not. 6 7 The Parties' Litigation History 8 25. On May 28, 2013, Plaintiff, through its attorney James H. Freeman, 9 10 11 12 13 14 15 16 17 26. 18 19 20

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Esq., filed a 219-page "Anti-Trust Complaint" against Defendants in the Southern District of New York, which was assigned to the Hon. Jed S. Rakoff and given case number 1:13-cv-03584-JSR. In this first case, Plaintiff claimed that it was entitled to: (1) a declaratory judgment that *Twiharder* was a fair use under 17 U.S.C. § 107; (2) relief for Defendants' violation of the Digital Millennium Copyright Act; (3) relief for Defendants' violation of the Sherman Anti-Trust Act; and (4) cancellation

of certain of the TWILIGHT Marks. Plaintiff also raised a challenge to the constitutionality of the fair use test articulated in 17 U.S.C. § 107.

- On June 28, 2013, Defendants filed a motion to transfer venue of the case to the Central District of California. On July 30, 2013, Judge Rakoff granted Defendants' motion to transfer under 28 U.S.C. § 1404, and the action was transferred to the Central District of California, where it was assigned to the Hon. Margaret M. Morrow and assigned case number 2:13-cv-05699-MMM-CW.
- Once the action was transferred to the Central District of California, 27. Defendants filed two motions to dismiss pursuant to Fed.R.Civ.P. 12(b)(6). In response to Defendants' first motion, which sought dismissal of Plaintiff's antitrust claim, trademark cancellation claim, and Digital Millennium Copyright Act claim, Plaintiff voluntarily dismissed its trademark cancellation claim and Digital Millennium Copyright Act claim by way of its First Amended Complaint. In response to the First Amended Complaint, Defendants filed their second motion to

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dismiss, which again sought dismissal of Plaintiff's antitrust claim. Instead of defending the motion, Plaintiff filed an application for entry of default against Defendants for filing the second motion to dismiss, which was invalid on its face and not granted.

- 28. Plaintiff then lodged numerous filings attacking the Clerk of the Court and Judge Morrow, which were construed by Judge Morrow as a motion to recuse. The motion to recuse was assigned to the Hon. Beverly Reid O'Connell and was denied. Defendants thereafter filed a motion to compel Plaintiff's production of written responses and responsive documents, without objection, to Defendants' First Set of Requests for Production of Documents and Other Things, with a hearing scheduled for January 21, 2014. While Defendants' motion to compel was pending and after Plaintiff's application for entry of default and motion to recuse were denied, Plaintiff voluntarily dismissed its lawsuit pursuant to Fed.R.Civ.P. 41(a)(1).
- 29. The very next business day, December 16, 2013, Plaintiff re-filed its case the present action again in the Southern District of New York, which Judge Rakoff subsequently transferred again to this District. In so ordering, Judge Rakoff noted that Plaintiff's voluntary dismissal and refiling of the case in the Southern District of New York was "a blatant case of attempting to evade the transfer of this case to California." Judge Rakoff further noted on the record that it was "only because [Defendants' counsel] is not here will I not hear argument on whether sanctions should be imposed on [P]laintiff's counsel."
- 30. As of the filing of this Answer and Counterclaims, Plaintiff has not served Defendants or their agents with a summons or a copy of the Complaint in this case. Nevertheless, Defendants are filing this Answer and Counterclaims in order to move this case to completion, which has been delayed by Plaintiff's assertion of meritless claims for damages and procedural shenanigans, including a motion currently pending before Judge Rakoff to certify his transfer orders in the prior and instant actions for interlocutory appeal to the Second Circuit.

FIRST CAUSE OF ACTION

(False Designation of Origin and Unfair Competition – 15 U.S.C. § 1125(a))

- 31. Summit repeats and realleges each and every allegation of paragraphs 1 through 30, above, as though fully set forth herein.
- 32. Plaintiff's use of TWIHARDER in connection with its motion picture and promotional materials, merchandise, digital downloads, and other goods and services related thereto as described above is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Plaintiff with Summit or as to the origin, sponsorship, or approval of Plaintiff's motion picture and promotional materials, merchandise, digital downloads, and other goods and services related thereto by Summit or its commercial activities.
- 33. Plaintiff's acts of false designation of origin, affiliation, association, or sponsorship and unfair competition violate 15 U.S.C. § 1125(a).
- 34. As a direct and proximate result of Plaintiff's wrongful acts, Summit has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation, and goodwill. Plaintiff will continue to use or, as applicable, recommence use, unless restrained, of the TWIHARDER mark for its motion picture and promotional materials, merchandise, digital downloads, and other goods and services related thereto, which is confusingly similar to Summit's TWILIGHT Marks and likely to be associated with the *Twilight* Motion Pictures. Such conduct will cause irreparable damage to Summit. Summit has no adequate remedy at law and is entitled to an injunction restraining Plaintiff, its officers, agents, and employees, and all persons acting in concert with Plaintiff, from engaging in further acts of false designation of origin, affiliation, association, or sponsorship and unfair competition.
- 35. Summit is further entitled to recover from Plaintiff the actual damages that it sustained and/or is likely to sustain as a result of Plaintiff's wrongful acts.

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Summit is presently unable to ascertain the full extent of the monetary damages that it has suffered and/or is likely to sustain by reason of Plaintiff's acts of false designation of origin, affiliation, association, or sponsorship and unfair competition.

- Summit is further entitled to recover from Plaintiff the gains, profits, 36. and advantages that Plaintiff has obtained as a result of its wrongful acts. Summit is presently unable to ascertain the extent of the gains, profits, and advantages that Plaintiff has realized by reason of its acts of false designation of origin, affiliation, association, or sponsorship and unfair competition.
- Because of the willful nature of Plaintiff's wrongful acts, Summit is 37. entitled to an award of treble damages and increased profits pursuant to 15 U.S.C. § 1117 and destruction of any physical goods bearing the TWIHARDER mark under 15 U.S.C. § 1118.
- 38. Summit is also entitled to recover its attorneys' fees and costs of suit pursuant to 15 U.S.C. § 1117.

SECOND CAUSE OF ACTION

(Trademark Infringement – 15 U.S.C. § 1114 and Common Law)

- Summit repeats and realleges each and every allegation of paragraphs 1 through 38, above, as though fully set forth herein.
- Defendants have used in commerce, without Summit's permission, the 40. TWILIGHT Marks and/or marks confusingly similar thereto, such as TWIHARDER, in connection with the sale, offering for sale, distribution, or advertising its motion picture and promotional materials, merchandise, digital downloads, and other goods and services related thereto as described above in a manner that is likely to cause confusion with respect to the source and origin of Plaintiff's goods and services and is likely to cause confusion or mistake and to deceive purchasers as to the affiliation, connection, approval, sponsorship, or association of Summit and/or the Twilight Motion Pictures with Plaintiff and its goods and services.

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- Plaintiff's acts constitute infringement of the TWILIGHT Marks in 41. violation of the common law and under 15 U.S.C. § 1114.
- 42. As a direct and proximate result of Plaintiff's wrongful acts, Summit has suffered and continues to suffer and/or is likely to suffer damage to its trademarks, business reputation, and goodwill. Plaintiff will continue to use or, as applicable, recommence use, unless restrained, of the TWIHARDER mark or other marks confusingly similar to the TWILIGHT Marks and will cause irreparable damage to Summit. Summit has no adequate remedy at law and is entitled to an injunction restraining Plaintiff, its officers, agents, servants, and employees, and all persons acting in concert with Plaintiff, from engaging in further acts of infringement.
- 43. Summit is further entitled to recover from Plaintiff the actual damages that it sustained and/or is likely to sustain as a result of Plaintiff's wrongful acts.
- Summit is further entitled to recover from Plaintiff the gains, profits, 44. and advantages that Plaintiff has obtained as a result of its wrongful acts.
- 45. Because of the willful nature of Plaintiff's wrongful acts, Summit is entitled to an award of punitive damages under the common law, and treble damages and increased profits under 15 U.S.C. § 1117.
- Summit is also entitled to recover its attorneys' fees and costs of suit 46. pursuant to 15 U.S.C. § 1117.

THIRD CAUSE OF ACTION

(Dilution--15 U.S.C.§ 1125(c); Cal. Bus. & Prof. Code § 14247)

- 47. Summit repeats and realleges each and every allegation of paragraphs 1 through 46, above, as though fully set forth herein.
- 48. Summit's TWILIGHT and TWIHARD marks are inherently distinctive and have acquired distinctiveness through Summit's extensive, continuous, and exclusive use of them and the amount, volume, and geographic extent of sales of goods and services offered under the marks.

- 49. Summit's TWILIGHT and TWIHARD marks have attained a high degree of actual recognition amongst the public.
- 50. Summit owns federal registrations of the TWILIGHT and TWIHARD marks on the Principal Register.
- 51. Summit's TWILIGHT and TWIHARD marks are famous and distinctive within the meaning of 15 U.S.C. §§ 1125(c)(1) and 1127 and Cal. Bus. & Prof. Code § 14247 and became famous prior to Plaintiff's first use in commerce of the TWIHARDER mark.
- 52. Plaintiff's use of the TWIHARDER mark is likely to impair the distinctiveness of, and harm the reputation of or tarnish, Summit's TWILIGHT and TWIHARD marks in violation of 15 U.S.C. § 1125(c) and Cal. Bus. & Prof. Code § 14247.
- 53. Plaintiff's acts complained of herein are likely to damage Summit irreparably. Summit has no adequate remedy at law for such wrongs and injuries. The damage to Summit includes harm to its trademarks, goodwill, and reputation that money cannot compensate. Summit is, therefore, entitled to a preliminary and permanent injunction enjoining Plaintiff's use of the TWIHARDER mark, the TWILIGHT and TWIHARD marks, or any marks confusingly similar thereto or dilutive thereof in connection with the promotion, advertisement, and sale of any products or services offered by Plaintiff.
- 54. Summit is further entitled to recover from Plaintiff its actual damages sustained by Summit as a result of Plaintiff's wrongful acts. Summit is presently unable to ascertain the full extent of the monetary damages it has suffered by reason of Plaintiff's acts of dilution.
- 55. Summit is further entitled to recover from Plaintiff the gains, profits, and advantages Plaintiff has obtained as a result of its wrongful acts. Summit is presently unable to ascertain the extent of the gains, profits, and advantages Plaintiff has realized by reason of its willful acts of dilution. Because of the willful nature of

Plaintiff's actions, Summit is entitled to all remedies available under 15 U.S.C.

§§ 1117 and 1118.

56. Summit is also entitled to recover its attorneys' fees and costs of suit pursuant to 15 U.S.C. § 1117.

FOURTH CAUSE OF ACTION

(Statutory and Common Law Unfair Competition)

- 57. Summit repeats and realleges each and every allegation of paragraphs 1 through 56, above, as though fully set forth herein.
- 58. By reason of all of the foregoing and that alleged below, Plaintiff has been, and is, engaged in "unlawful, unfair or fraudulent business practices" in violation of §§ 17200 *et seq.* of the California Bus. & Prof. Code and acts of unfair competition in violation of the common law.
- 59. In addition to the other acts alleged herein, Plaintiff has engaged in unlawful acts by infringing and diluting the TWILIGHT Marks and otherwise infringing Summit's intellectual property.
- 60. In addition to the other acts alleged herein, Plaintiff has engaged in unfair acts by passing off or suggesting that its motion picture and promotional materials, merchandise, digital downloads, and other goods and services related thereto are associated, connected, or affiliated with, or sponsored or endorsed by, the *Twilight* Motion Pictures and by using names owned by Summit.
- 61. In addition to the other acts alleged herein, Plaintiff has engaged in fraudulent acts because the actions alleged herein are likely to deceive consumers and other members of the public.
- 62. Summit invested substantial time or money in the development of the TWILIGHT Marks and its copyrighted interests in and related to the *Twilight* Motion Pictures, and Plaintiff used the foregoing to create, market, advertise, and sell its motion picture and promotional materials, merchandise, digital downloads, and other goods and services related thereto. Plaintiff has appropriated the

foregoing without authorization from Summit.

damage Summit irreparably. Summit has no adequate remedy at law for these wrongs and injuries. The damage to Summit includes harm to its intellectual property related to the *Twilight* Motion Pictures, goodwill, and reputation in the marketplace that money cannot compensate. Summit is therefore entitled to: (a) injunctive relief restraining and enjoining Plaintiff and its officers, agents, servants, and employees, and all persons acting thereunder, in concert with, or on their behalf, from using intellectual property related to the *Twilight* Motion Pictures or any mark, name, symbol, or logo which is confusingly similar thereto, in connection with the marketing or sale of any goods or services by Plaintiff; (b) Summit's actual damages sustained as a result of Plaintiff's wrongful acts; (c) an accounting of Plaintiff's unjust profits, as well as sums sufficient to compensate Summit for all harm suffered as a result of Plaintiff's conduct; and (e) punitive damages.

FIFTH CAUSE OF ACTION

(Copyright Infringement)

- 64. Summit repeats and realleges each and every allegation of paragraphs 1 through 63, above, as though fully set forth herein.
- 65. As described above, Summit is the owner of the copyrights in the *Twilight* Motion Pictures and photographs and images related thereto, including the New Moon, Wolfpack, and Eclipse Posters. At all times relevant to these counterclaims, Summit is and has been the sole exclusive authorized licensor of such motion pictures, photographs, and images in the United States. Said motion pictures, photographs, and images all are original works of authorship owned by Summit and are copyrightable subject matter under the laws of the United States. The motion pictures, images, and photographs were fixed in a tangible medium by development of the foregoing and/or by uploading the foregoing to a hard drive.

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- The Twilight Motion Pictures and the New Moon, Wolfpack, and 66. Eclipse Posters are the subject of valid copyright registrations issued by the U.S. Copyright Office and owned by Summit. Such registrations are valid and subsisting.
- 67. Plaintiff had access to the *Twilight* Motion Pictures and the New Moon, Wolfpack, and Eclipse Posters due to their wide publication, the international theatrical and home entertainment releases of the Twilight Motion Pictures, and the publicity for the *Twilight* Motion Pictures. Certain of Plaintiff's promotional materials, as described above, are intentionally substantially similar to the New Moon, Wolfpack, and Eclipse Posters, and *Twiharder* is intentionally substantially similar to original, copyrightable elements of the Twilight Motion Pictures. Each of the Twilight Motion Pictures and the New Moon, Wolfpack, and Eclipse Posters includes a copyright notice expressly claiming Summit's copyright ownership therein.
- Plaintiff has violated Summit's exclusive rights in and to the Twilight 68. Motion Pictures and the New Moon, Wolfpack, and Eclipse Posters by reproducing, displaying, distributing, and, as applicable, publicly performing substantially similar works and by unlawfully preparing derivative works based thereon.
- Upon information and belief, Plaintiff was at all material times aware 69. that its use of the Twilight Motion Pictures and the New Moon, Wolfpack, and Eclipse Posters, in the absence of a valid license agreement authorizing Plaintiff to use them and/or to edit, alter, and/or otherwise modify them without Summit's prior written approval, would constitute copyright infringement. Summit has not granted to Plaintiff any such right or license.
- Plaintiff's acts constitute infringement of Summit's copyrights 70. described above in violation of 17 U.S.C. § 501, et seq.
- 71. Summit is informed and believes and on that basis alleges that Plaintiff had full knowledge that its acts were wrongful and unlawful and has continued to

infringe said copyrights, throughout the United States and various other territories of the world.

- 72. By reason of the foregoing, Summit has suffered damages in an amount to be determined at trial, and is entitled, at its election, to either (a) all damages suffered by Summit, along with all gains, profits, and advantages derived by Plaintiff from the acts of infringement, plus exemplary and punitive damages in amounts to be proven at trial, or (b) statutory damages as provided for in the Copyright Act of the United States.
 - 73. Summit is also entitled to attorneys' fees under the Copyright Act.

PRAYER FOR RELIEF

WHEREFORE, Summit prays that this Court enter judgment against Plaintiff as follows:

- 1. Finding that Plaintiff has violated 15 U.S.C. § 1125(a) and the common law, has infringed the TWILIGHT Marks under the common law and 15 U.S.C. § 1114, has violated 15 U.S.C. § 1125(c)(1) and Cal. Bus. & Prof. Code § 14247, has violated Cal. Bus. & Prof. Code § 17200 and the common law by engaging in unlawful, unfair, and/or fraudulent business practices, and has infringed the *Twilight* Motion Pictures and New Moon, Wolfpack, and Eclipse posters and violated 17 U.S.C. § 501;
- 2. Ordering that Plaintiff and, as applicable, its officers, agents, servants, directors, employees, servants, partners, representatives, assigns, successors, related companies, and attorneys and all persons in active concert or participation with Plaintiff or with any of the foregoing be enjoined preliminarily during the pendency of this action and permanently thereafter from:
- a. Manufacturing, transporting, promoting, importing, advertising, publicizing, distributing, offering for sale, or selling any goods or services bearing or offered under the TWIHARDER mark, the TWILIGHT Marks, or any other mark, name, symbol, or logo which is likely to cause confusion, or to cause mistake,

- or to deceive as to the affiliation, connection, or association of Plaintiff with Summit or as to the origin, sponsorship, or approval of any goods or services manufactured, transported, promoted, imported, advertised, publicized, distributed, offered for sale, or sold by Plaintiff including, but not limited to, Plaintiff's motion picture and promotional materials, merchandise, digital downloads, and any other goods and services related thereto by Summit or its commercial activities;
- b. Manufacturing, transporting, promoting, importing, advertising, publicizing, distributing, offering for sale, or selling any goods or services bearing or offered under the TWIHARDER mark, the TWILIGHT Marks, or any other mark, name, symbol, or logo that is a copy or colorable imitation of, incorporates, or is confusingly similar to the TWILIGHT Marks, including the TWIHARDER mark;
- c. Implying Summit's approval, affiliation, connection, or sponsorship of Plaintiff's goods, services, or commercial activities or engaging in any act or series of acts which, either alone or in combination, constitutes unfair methods of competition with Summit and from otherwise interfering with or injuring the TWILIGHT Marks or the goodwill associated therewith;
- d. Engaging in any act which is likely to dilute the distinctive quality of the TWILIGHT Marks and/or injures Summit's business reputation;
- e. Reproducing, displaying, distributing, publicly performing, or creating derivative works from the *Twilight* Motion Pictures or Summit's photographs, images, or any other copyrightable subject matter related thereto, or any works substantially similar thereto, including *Twiharder* and Plaintiff's above-detailed promotional artwork related thereto, or engaging in any act in violation of Summit's copyrights, including, but not limited to, inducing, causing, or materially contributing to the infringing conduct of any third party copying, displaying, featuring, or using the *Twilight* Motion Pictures or Summit's photographs, images, or any other copyrightable subject matter related thereto;
 - f. Representing or implying that Plaintiff is in any way sponsored,

endorsed, or licensed by, or affiliated with, Summit; or

- g. Knowingly assisting, inducing, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in paragraphs 2(a) to (f) above.
- 3. Ordering that Summit is the exclusive owner of the TWILIGHT Marks and that such marks are valid and protectable;
- 4. Ordering that Summit is the exclusive owner of the copyrights in the *Twilight* Motion Pictures and the New Moon, Wolfpack, and Eclipse posters, and that such copyrights are valid and protectable;
- 5. Ordering that Plaintiff be required to deliver to Summit for destruction all copies, regardless of the media or format in which they exist, of the *Twiharder* motion picture; all footage, regardless of the media or format in which they exist, used to create the *Twiharder* motion picture, and any copies thereof; and all scripts of the *Twiharder* motion picture;
- 6. Ordering that Plaintiff be required to deliver to Summit or destroy, as applicable, all goods, packaging therefor, electronic images or media in any format, and/or promotional artwork which bear the TWIHARDER mark or any other trademarks, names, images logo, or packaging that are confusingly similar to the TWILIGHT Marks or are evocative of or draw an association, affiliation, or connection with the *Twilight* Motion Pictures or bear Summit's copyrighted content related to or derived from the *Twilight* Motion Pictures or anything substantially similar thereto;
- 7. Granting an award of damages suffered by Summit according to proof at the time of trial;
- 8. Ordering that Plaintiff account to Summit for any and all profits earned as a result of Plaintiff's acts of infringement in violation of Summit's rights under the Lanham Act, Cal. Bus. & Prof. Code §§ 14247, 17200, *et seq.*, the Copyright Act, and the common law;

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1	9.	Granting an awa	ard of statutory damages under the Copyright Act;	
2	10.	10. Granting an award of three times the amount of compensatory damages		
3	and increased profits pursuant to 15 U.S.C. § 1117;			
4	11.	Granting an award of punitive damages for the willful and wanton		
5	nature of Plaintiff's aforesaid acts;			
6	12.	For pre-judgment interest on any recovery by Summit;		
7	13.	Granting an award of Summit's costs, expenses, and reasonable		
8	attorneys' fees; and			
9	14.	14. Granting such other and further relief as is just and proper		
10			Respectfully submitted,	
11			SHEPPARD, MULLIN, RICHTER & HAMPTON LLP	
12				
13	Dated: Jan	uary 27, 2014	By: hel ful	
14	Jil M. Pietrini			
15			Attorneys for Defendants Lions Gate	
16			Entertainment Corp. and Summit Entertainment, LLC and Counterclaimant Summit Entertainment,	
17			LLC	
18			YYUDY/ DED 4 A MD	
19	JURY DEMAND			
20	Summit demands a trial by jury of all issues triable by jury.			
21			Respectfully submitted,	
22			SHEPPARD, MULLIN, RICHTER & HAMPTON LLP	
23	Dated: January 27, 2014 By: Jill M. Pietrini 25			
24				
25			/ /	
26			Attorneys for Defendants Lions Gate Entertainment Corp. and Summit Entertainment,	
27	LLC and Counterclaimant Summit Entertainment			
28	SMRH:415677554.3	3	LLC	
			-45-	

EXHIBIT A

TO DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT, LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL

United States of America Muisch States Antons and Arahomark Office United States Batent and Trademark Office

BELLA TWILIGHT

Reg. No. 4,222,783

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Oct. 9, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 14

FOR: JEWELRY AND JEWELRY BOXES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

TRADEMARK

FIRST USE 6-3-2012; IN COMMERCE 6-3-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

SN 85-338,237, FILED 6-4-2011.

CHARLOTTE CORWIN, EXAMINING ATTORNEY



BELLA TWILIGHT

Reg. No. 4,222,784

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Oct. 9, 2012 SANTA MONICA. CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 20

FOR: DECORATIVE BOXES MADE OF WOOD OR PLASTIC, IN CLASS 20 (U.S. CLS. 2, 13,

22, 25, 32 AND 50).

TRADEMARK

FIRST USE 6-3-2012; IN COMMERCE 6-3-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

SN 85-338,239, FILED 6-4-2011.

CHARLOTTE CORWIN, EXAMINING AFTORNEY



LUNA TWILIGHT

Reg. No. 3,929,237

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUTTE 120

Registered Mar. 8, 2011 SANTA MONICA, CA 90404

Int. Cl.: 3

FOR: COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK

FIRST USE 8-1-2009; IN COMMERCE 8-1-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-746,864, FILED 5-28-2009.

DEBRA LEE, EXAMINING ATTORNEY



Director of the United States Farent and Hudensack Office

NOX TWILIGHT

Reg. No. 4,173,761

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered July 17, 2012 SANTA MONICA, CA 90404

Int. Cl.: 3

FOR: NAIL POLISH, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK

FIRST USE 6-0-2010; IN COMMERCE 6-0-2010.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS, 3,756,560, 3,867,985 AND OTHERS.

SER. NO. 85-185,130, FILED 11-24-2010.

ERNEST SHOSHO, EXAMINING ATTORNEY



THE TWILIGHT SAGA

Reg. No. 4,079,451

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Jan. 3, 2012 SANTA MONICA, CA 90404

Int. Cl.: 4

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

TRADEMARK

FIRST USE 9-0-2009; IN COMMERCE 9-0-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG, NOS. 3,756,560, 3,884,386 AND OTHERS.

SER. NO. 85-279,288, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



Discourse of the I lained Street Patent and Trademark Office

THE TWILIGHT SAGA

Reg. No. 4,016,125

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Aug. 23, 2011 SANTA MONICA, CA 90404

Int. Cl.: 5

FOR: BANDAGES FOR SKIN WOUNDS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE. OR COLOR.

OWNER OF U.S. REG. NOS, 3,756,560, 3,884,386 AND OTHERS.

SER, NO. 85-279,289, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

THE TWILIGHT SAGA

Reg. No. 4,177,174

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered July 17, 2012 SANTA MONICA, CA 90404

Int. Cl.: 9 FOR:

TRADEMARK

PRINCIPAL REGISTER

FOR: DOWNLOADABLE FILES IN THE FIELD OF ENTERTAINMENT, NAMELY, GRAPHICS, IMAGES, ELECTRONIC GAMES, AND MUSIC, VIA A GLOBAL COMPUTER NETWORK AND WIRELESS DEVICES; DOWNLOADABLE ELECTRONIC PUBLICATIONS IN THE NATURE OF SONG BOOKS, TABLATURE, AND SHEET MUSIC; MAGNETS; MAGNET SHEETS; MAGNETICALLY ENCODED DEBIT CARDS; MOTION PICTURE FILMS IN THE FIELDS OF DRAMA AND ROMANCE; MOUSEPADS; MUSICAL SOUND RECORDINGS; COMPUTER STORAGE DEVICES, NAMELY, BLANK FLASH DRIVES; DIGITAL MEDIA, NAMELY, PRE-RECORDED DVDS, DOWNLOADABLE AUDIO AND VIDEO RECORDINGS, AND CDS FEATURING AND PROMOTING MOTION PICTURES AND DOCUMENTARIES; COVERS FOR MOBILE PHONES; FITTED PLASTIC FILMS KNOWN AS SKINS FOR COVERINGAND PROTECTING ELECTRONIC APPARATUS, NAMELY, MOBILE PHONES, PORTABLE MUSIC PLAYERS, COMPUTERS, COMPUTER ACCESSORIES AND PERIPHERALS, PDAS, GAMING DEVICES, CAMERAS, CAMCORDERS, AND E-BOOK READERS; CASES FOR MOBILE PHONES; CASES FOR PDAS; AND COMPUTER GAMES, NAMELY, COMPUTER GAME DISCS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-2009; IN COMMERCE 9-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-976,571, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY

Director of the United States Patent and Trademark Office

THE TWILIGHT SAGA

Reg. No. 4,151,799

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered May 29, 2012 SANTA MONICA, CA 90404

Int. Cl.: 14

POR: JEWELRY; JEWELRY BOXES; JEWELRY BOXES OF METAL; MUSICAL JEWELRY BOXES; JEWELRY SETS COMPRISED OF JEWELRY; RUBBER BRACELETS; SILVER WRIST CUFF BRACELETS; WATCHES; DOG TAGS FOR WEAR BY HUMANS FOR DEC-ORATTVE PURPOSES; AND CLOCKS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

TRADEMARK

FIRST USE 9-0-2009; IN COMMERCE 9-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-976,520, FILED 3-29-2011.



THE TWILIGHT SAGA

Reg. No. 4,177,175

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 17, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 16

TRADEMARK

PRINCIPAL REGISTER

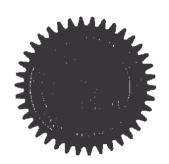
FOR: ADHESIVE TAPE FOR STATIONERY OR HOUSEHOLD PURPOSES. BOOKMARKS, GALENDARS, DECALS, CARDBOARD DOOR HANGERS, GIFT CARDS, INVITATION CARDS, MOUNTED PHOTOGRAPHS AS LIFE-SIZE CARDBOARD CUTOUTS, GREETING CARDS, PAPER NAPKINS, PENS, PENCILS, PEN AND PENCIL CASES, POSTERS, BOOKS IN THE FIELD OF ENTERTAINMENT, STICKERS, SHEET MUSIC, PRINTED MUSIC BOOKS, TRADING CARDS, GIFT WRAPPING PAPER, LITHOGRAPHS, PAPER BAGS, PAPER PARTY DECORATIONS, PAPER PARTY FAVORS, STATIONERY, TEMPORARY TATTOOS, BINDERS, AND NOTEBOOKS; AND KITS CONTAINING PARTY SUPPLIES, NAMELY, PAPER NAPKINS, PAPER RIBBONS OR STREAMERS, PAPER PLATES, BALLOONS, CANDLES, PLASTIC TABLE COVERS, PLASTIC FORKS, PLASTIC KNIVES, PLASTIC SPOONS, AND CUPS; AND KITS CONTAINING ACTIVITY SUPPLIES, NAMELY, STICKER BOOKS AND WRITING INSTRUMENTS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND

FIRST USE 10-1-2009; IN COMMERCE 10-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-976,572. FILED 3-29-2011.





Reg. No. 4,321,492

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered Apr. 16, 2013 SANTA MONICA, CA 90404

Int. Cl.: 16

FOR: NOTE CARDS AND POSTCARDS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND

TRADEMARK

FIRST USE 7-1-2012; IN COMMERCE 7-1-2012.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR,

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-279,301, FILED 3-29-2011.





Reg. No. 4,324,927

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Apr. 23, 2013 SANTA MONICA, CA 90404

2700 COLORADO AVENUE, 2ND FLOOR SANTA MONICA. CA 90404

Int. Cl.: 18

TRADEMARK
PRINCIPAL REGISTER

FOR: ALL PURPOSE CARRYING BAGS, ALL PURPOSE CARRYING CASES, BACKPACKS, BUSINESS CARD CASES, ID CASES, COSMETIC CASES SOLD EMPTY, HANDBAGS, MESSENGER BAGS, PURSES, UMBRELLAS, AND WALLETS; KEY CHAINS OF LEATHER OR IMITATION LEATHER, LUGGAGE TAGS, AND MAKEUP BAGS SOLD EMPTY, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-279,302, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



Arting Director of the United States Palent and Tradesports Office



Reg. No. 4,321,493

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered Apr. 16, 2013 SANTA MONICA. CA 90404

Int. Cl.: 20

FOR: PERSONAL COMPACT MIRRORS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

TRADEMARK

FIRST USE 1-24-2013; IN COMMERCE 1-24-2013.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,736,560, 3,084,386, AND OTHERS.

SN 85-279,306, FILED 3-29-2011.



THE TWILIGHT SAGA

Reg. No. 4,151,800

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered May 29, 2012 SANTA MONICA, CA 90404

Int. Cl.: 20

FOR: PLASTIC KEY CHAINS; DECORATIVE PILLOWS; DREAMCATCHERS; PICTURE FRAMES; WOOD BOXES; AND VINYL APPLIQUES FOR ATTACHMENT TO WALLS, WINDOWS, MIRRORS, AND OTHER SOLID SURFACES, IN CLASS 20 (U.S. CLS. 2, 13, 22,

TRADEMARK

25, 32 AND 50).

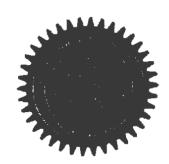
PRINCIPAL REGISTER

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-976,521, FILED 3-29-2011.





Reg. No. 4,335,388

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered May 14, 2013 SANTA MONICA, CA 90404

Int. Cl.: 21

TRADEMARK

FOR: CANDLE HOLDERS, CANISTERS SOLD EMPTY FOR HOUSEHOLD USE, CHARMS FOR ATTACHMENT TO BEVERAGE GLASSWARE FOR IDENTIFICATION PURPOSES,

CONTAINERS FOR HOUSEHOLD OR KITCHEN USE, COOKIE JARS, DECANTERS, DEC-ORATIVE PLATES, FLASKS, INSULATING SLEEVE HOLDERS FOR BEVERAGE CANS. NAPKIN HOLDERS, SERVING TRAYS, STEINS, AND HAIR COMBS, IN CLASS 21 (U.S.

PRINCIPAL REGISTER CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 11-0-2011; IN COMMERCE 11-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-279,307, FILED 3-29-2011.



THE TWILIGHT SAGA

Reg. No. 4,165,921

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered June 26, 2012 SANTA MONICA, CA 98404

1630 STEWART STREET, SUITE 120

Int. Cl.: 21

TRADEMARK

PRINCIPAL REGISTER

FOR: BEVERAGEWARE, LUNCH BOXES WITH THERMAL CONTAINERS, PLASTIC WATER BOTTLES SOLD EMPTY; CANDY BOXES, COASTERS NOT OF PAPER AND NOT TABLE LINEN. DECORATIVE CERAMIC TILES NOT FOR USE AS BUILDING MATERIALS, DISHES, TRAVEL MUGS, AND HAIR BRUSHES; AND DINNERWARE, NAMELY, PLATES AND CUPS NOT OF METAL, IN CLASS 21 (U.S. CLS: 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USB 10-1-2009; IN COMMERCE 10-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS, 3,756,560, 3,884,386, AND OTHERS,

SN 85-976,573, FILED 3-29-2011.





Reg. No. 4,321,494

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered Apr. 16, 2013 SANTA MONICA, CA 90404

Int. Cl.: 24

FOR: BATH LINEN AND CURTAINS, IN CLASS 24 (U.S. CLS. 42 AND 50).

TRADEMARK

FIRST USE 12-1-2010; IN COMMERCE 12-1-2010.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,894,386, AND OTHERS.

SN 85-279,309, FTLED 3-29-2011.



THE TWILIGHT SAGA

Reg. No. 4,151,801

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered May 29, 2012 SANTA MONICA, CA 90404

Int. Cl.: 24

FOR: BED LINENS; BED OR THROW BLANKETS; DUVET COVERS; PLASTIC TABLE COVERS: WALL HANGINGS OF TEXTILE; AND TABLE LINEN, IN CLASS 24 (U.S. CLS.

42 AND 50).

TRADEMARK

PRINCIPAL REGISTER

FIRST USB 9-0-2009; IN COMMERCE 9-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-976-522, FILED 3-29-2011.



THE TWILIGHT SAGA

Reg. No. 4,147,960

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered May 22, 2012 SANTA MONICA, CA 90404

Int. Cl.: 25

TRADEMARK

FOR: CLOTHING, NAMELY, DRESSES, GLOVES, HOODED SHIRTS, IACKETS, LEGGINGS, PANTS, SCARVES, SHIRTS, SOCKS, SWEATERS, SWEATSHIRTS, T-SHIRTS, TANK TOPS,

AND TUNICS: WRIST BANDS OF CLOTH: WRIST BANDS OF LEATHER OR IMITATION LEATHER; BELTS; FOOTWEAR; AND HEADWEAR; APRONS. JERSEYS, LOUNGEWEAR, MITTENS, SLEEPWEAR, SWEATPANTS, VESTS, AND WRAPS AS CLOTHING, IN CLASS

PRINCIPAL REGISTER

25 (U.S. CLS. 22 AND 39).

FIRST USE 8-0-2009; IN COMMERCE 8-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-976,416, FILED 3-29-2011.





Reg. No. 4,339,211 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered May 21, 2013 SANTA MONICA, CA 90404

Int. Cl.: 26 FOR: ORNAMENTAL NOVELTY BUTTONS; ARMBANDS, ORNAMENTAL CLOTH

PATCHES; AND HAIR ACCESSORIES, NAMELY, CLIPS, IN CLASS 26 (U.S. CLS. 37, 39,

40, 42 AND 50).

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-279,313, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



TRADEMARK

Acting Director of the United States Patent and Tradeparts Office



Reg. No. 4,016,126

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Aug. 23, 2011 SANTA MONICA, CA 90404

Int. Cl.: 30

FOR: CANDY AND CHEWING GUM, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

PRINCIPAL REGISTER

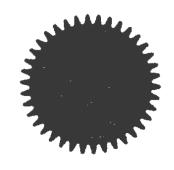
THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884.386 AND OTHERS.

SER, NO. 85-279,316, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



David J. Kyps

Diseases of the United States Perest and Trodemark Office



Reg. No. 4,175,800

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY).
1630 STEWART STREET, SUITE 120

Registered July 17, 2012 SANTA MONICA, CA 90404

Int. CL: 41

SERVICE MARK

PRINCIPAL REGISTER

FOR: PRODUCTION AND DISTRIBUTION OF MOTION PICTURES; PROVIDING INFORMATION RELATING TO MOTION PICTURES; PROVIDING A WEBSITE FEATURING NON-DOWNLOADABLE FILM CLIPS AND MUSIC VIDEOS, AND INFORMATION ON MOTION PICTURES, LITERARY WORKS, AND MUSIC; ORGANIZATION OF CONVENTIONS IN THE FIELDS OF MOTION PICTURES AND ENTERTAINMENT; FAN CLUB SERVICES; PROVIDING PODCASTS RELATING TO MUSIC AND MOTION PICTURES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386 AND OTHERS,

SER. NO. 85-976,643, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



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Director of the United States Priest and Trademark Office

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THE TWILIGHT SAGA

Reg. No. 4,012,682

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Aug. 16, 2011 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 45

FOR: LICENSING OF MERCHANDISE AND INTELLECTUAL PROPERTY ASSOCIATED WITH MOTION PICTURES: PROVIDING ONLINE INFORMATION ON THE LICENSING

OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES; AND PROVIDING A SELEC-TION OF ONLINE ELECTRONIC GREETING CARDS, IN CLASS 45 (U.S. CLS. 100 AND

101).

SERVICE MARK

PRINCIPAL REGISTER

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3.884,386 AND OTHERS.

SER. NO. 85-279.320, FILED 3-29-2011.





Reg. No. 4,175,456

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 17, 2012 SUITE 130

1630 STEWART STREET

Int. Cl.: 9

SANTA MONICA, CA 90404

TRADEMARK

POR: ELECTRIC HAIR STRAIGHTENING IRONS; ELECTRIC HAIR CURLING IRONS; ELECTRIC HAIR STYLING IRONS; AND ELECTRIC HAIR CURLERS, IN CLASS 9 (U.S.

CLS. 21, 23, 26, 36 AND 38).

PRINCIPAL REGISTER

FIRST USE 10-1-2011; IN COMMERCE 10-1-2011.

OWNER OF U.S. REG. NOS. 3,817,079. 3,884,386 AND OTHERS.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN LOWER CASE LETTERS AND A STYLIZED FONT.

SER. NO. 85-479,492, FILED 11-22-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



David J. Kypes

Director of the Unived States Patent and Trademerk Office

twilight

Reg. No. 4,239,625

SUMMIF ENTERTAINMENT, LLC (DELAWARE LIMITED LABOUTY COMPANY)

1639 STEWART STREET, SUITE 120

Registered Nov. 13, 2012 SANTA MONICA, CA 90404

Int. CL: 5

FOR: (BASIED ON USE IN COMMERCE) BANDAGES FOR SKIN WOUNDS, IN CLASS 5

(U.S., Cl.S. 6, 18, 44, 48, 51 AND 52).

TRADEMARK

FIRST USE 3-0-2000; IN COMMERCE 3-0-2000.

PRINCIPAL REGISTER

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT

SER, NO. 77-852,607, FILED 10-20-2049

ESTHER BELENKER, EXAMINING ATTORNEY



Protector of the Linked Steam Prices and Tourisment Office

twilight

Reg. No. 4,268,558 Registered Jan. 1, 2013 SANTA MUNICA, CA 90404

Int. Cl.: 9

TRADEMARK PRINCIPAL REGISTER SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY) 1639 STEWART STREET, SUITE 120

FOR: COVERS FOR CEEL PHONES, PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES FOR PLAYING MUSIC, LAPTOP COMPUTERS, GAMING DEVICES, NAMELY, GAMING MACHINES, AND PERSONAL DIGITAL ASSISTANTS (PDAS); DECORATIVE CHARMS FOR CITLULAR TELEPHONES: DIGITAL MUSIC DOWNLUADABLE FROM THE INTERNET, MAGNETS AND DECORATIVE MAGNETS SOLD IN SHEETS: MOUSEP-ADS. MUSICAL SOCIED RECORDINGS, COMPUTER STORAGE DEVICES, NAMELY, FLASH DRIVES: CASES FOR MOBILE PHONES; CASES FOR PDAS: MOTION PICTURE FILMS IN THE FIELDS OF DRAMA AND ROMANCE DOWNLOADABLE DOCUMENTARIES IN THE FIELDS OF DRAMA, ROMANCE AND THE MAKING OF MOTION PICTURE FILMS: PROVIDED VIA A GLOBAL COMPUTER NETWORK; VIDEO GAME SOFTWARE AND VIDEO GAME DISCS; AND PRE-RECORDED DVDS AND AUDIOVISUAL RECORDINGS FEATURING MOTION PICTURES AND DOCUMENTARIES IN THE FIELDS OF DRAMA. ROMANGE AND THE MAKING OF MOTION PICTURE FILMS, IN CLASS 9 (U.S. CLS, 21, 23, 26, 36 AND 38).

FIRST USE 10-28-2008, IN COMMERCE 10-28-2008.

THE MARK CONSISTS OF THE WORD TWILIGHT IN A STYLIZED FONT.

SN 77-852.622. FELED 10-20-2009.

INORID C EULIN, EXAMINING ATTORNEY



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Reg. No. 4,175,208 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 17, 2012 SANTA MONICA, CA 90404

Int. CL: 11 FOR: HAND-HELD ELECTRIC HAIR DRYERS, IN CLASS 11 (U.S. CLS. 13, 21, 23, 31 AND

34).

TRADEMARK FIRST USE 9-23-2011; IN COMMERCE 9-23-2011.

PRINCIPAL REGISTER OWNER OF U.S. REG. NOS. 3,817,079, 3,884,386 AND OTHERS.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SER. NO. 85-476,363, FILED 11-18-2011.

BARBARA RUTLAND, EXAMINING ATTORNEY



Land J. L. Jifter

Observer of the United States Potens and Trademark Office

twilight

Reg. No. 4,218,172 SUMMIT ENTERTAINMENT 1630 STEWART STREET, SU SANTA MONICA, CA 90404

Int. Cl.: 20

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120

FOR: PICTURE FRAMES; WOOD BOXES; VINYL APPLIQUES FOR ATTACHMENT TO WINDOWS, MIRRORS, AND OTHER SOLID SURFACES; KEY CHAINS MADE OF PLASTIC, LIFE-SIZE CARDBOARD CHARACTER STAND-UPS, MIRRORS, NON-METAL DOG TAGS, DECORATIVE PILLOWS, RUBBER KEY CAPS, NAMELY, PLASTIC OR RUBBER CAPS USED TO COVER THE TOPS OF KEYS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-852,687, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

twilight

Reg. No. 4,094,221

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Jan. 31, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 21

FOR: BEVERAGEWARE, LUNCH BOXES WITH THERMAL CONTAINERS, AND PLASTIC

TRADEMARK

CERAMIC TILES NOT FOR USB AS BUILDING MATERIALS, DISHES, PET FEEDING DISHES, DRINKING STEINS, STONE AND EARTHENWARE COASTERS, TRAVEL MUGS, HAIR BRUSHES, HAIR COMBS, AND MAKEUP BRUSHES, IN CLASS 21 (U.S. CLS. 2, 13.

WATER BOTTLES SOLD EMPTY: CANDY BOXES, CERAMIC FIGURINES, DECORATIVE

PRINCIPAL REGISTER

23, 29, 30, 33, 40 AND 50).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-982,783, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



Director of the United States Potent and Trademark Office

twilight

Reg. No. 4,135,884

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered May 1, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 22

TRADEMARK

FOR: LANYARDS FOR HOLDING KEY CHAINS, KEY POBS, EYEWEAR, PORTABLE ELECTRONIC DEVICES, BADGES, IDENTIFICATION CARDS, BOTTLES AND CONTAIN-

ERS, LIPSTICKS, PENS, KEYS, CHARMS AND WHISTLES: MULTI-PURPOSE CLOTH

BAGS. IN CLASS 22 (U.S. CLS. 1, 2, 7, 19, 22, 42 AND 50).

PRINCIPAL REGISTER

FIRST USE 6-30-2008; IN COMMERCE 6-30-2008.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-852.757, FILED 10-20-2009.

ESTHER BELENKER, EXAMINING ATTORNEY



Director of the United States Potent and Trademark Office

twilight

Reg. No. 4,103,469 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Feb. 28, 2012 SANTA MONICA, CA 90404

Int. Cl.: 24 FOR: BED LINEN: BLANKETS; TEXTILE WALL HANGINGS, IN CLASS 24 (U.S. CLS. 42

AND 50).

TRADEMARK FIRST USE 9-0-2008: IN COMMERCE 9-0-2008.

PRINCIPAL REGISTER THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SER, NO. 77-852,768, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



Director of the United States Paters and Trademark Office

twilight

Reg. No. 4,091,590

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Int. Cl.: 25

Registered Jan. 24, 2012 SANTA MONICA, CA 90404

TRADEMARK

PRINCIPAL REGISTER

FOR: CLOTHING, NAMBLY, BANDANAS, DRESSES, GLOVES, HOODED SHIRTS, JACKETS, JERSEYS, MITTENS, SCARVES, SHIRTS, SLEEPWEAR, SWEATSHIRTS, T-SHIRTS, AND TANK TOPS; BELTS; HEADWEAR; WRISTBANDS MADE OF CLOTH; APRONS, INFANT WEAR, LOUNGEWEAR, SOCKS, SWEATERS, SWEATPANTS; FOOTWEAR; WRISTBANDS MADE OF LEATHER AND WRISTBANDS MADE OF IMITATION LEATHER, IN CLASS 25 (U.S. CLS, 22 AND 39).

FIRST USE 5-0-2008; IN COMMERCE 5-0-2008.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-982,768, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



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United States of America United States Aston and Arahomark Office United States Patent and Trademark Office

twilight

Reg. No. 4,350,445

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR Registered June 11, 2013 SANTA MONICA, CA 90404

Int. Cl.: 30

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 3-21-2009; IN COMMERCE 3-21-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-852,808, FILED 10-20-2009.

ESTHER BELENKER, EXAMINING ATTORNEY



twilight

Reg. No. 4,103,470

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Feb. 28, 2012 SANTA MONICA, CA 90404

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

FOR: ENTERTAINMENT IN THE NATURE OF ON-GOING DRAMATIC TELEVISION PROGRAMS; PRODUCTION AND DISTRIBUTION OF MOTION PICTURES; PROVIDING INFORMATION RELATING TO MOTION PICTURES, TELEVISION PROGRAMS AND LITERARY WORKS; AND PROVIDING A WEBSITE FEATURING INFORMATION ON MOTION PICTURES, TELEVISION PROGRAMS, LITERARY WORKS, AND MUSIC, IN CLASS 4I (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-18-2008; IN COMMERCE 4-18-2008.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SER. NO. 77-852,861, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



Director of the Linkod States Potent and Trademark Office

twilight

Reg. No. 3,817,079

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered July 13, 2010 SANTA MONICA, CA 90404

FOR: LICENSING OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES; PROVIDING ONLINE INFORMATION ON THE LICENSING OF MERCHANDISE ASSOCIATED.

ATED WITH MOTION PICTURES, IN CLASS 45 (U.S. CLS. 100 AND 101).

SERVICE MARK

Int. CL: 45

FIRST USE 6-1-2008; IN COMMERCE 6-1-2008.

PRINCIPAL REGISTER

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT,

SER, NO. 77-852,862, FILED 10-20-2009.

INORID C. EULIN, EXAMINING ATTORNEY



Vand J. L. Mes

Director of the Lancet States Patent and Trademark Office

United States of America Muitod States Antons and Arademark Office United States Patent and Trademark Office

TWILIGHT TRACKER

Reg. No. 3,793,131

SUMMET ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUTTE 120

Registered May 25, 2010 SANTA MONICA, CA 90404

Int. Cl.: 9

TRADEMARK

FOR: DOWNLOADABLE SOFTWARE THAT PROVIDES ACCESS TO MOVIE CONTENT AND TO PHOTOGRAPHS, NEWS AND INFORMATION REGARDING MOVIES, MOVIE

TICKETS, SHOWTIMES AND MERCHANDISE, AND ALLOWS USERS TO SELECT AVATARS AND INTERACT WITH OTHER USERS, TO INTEGRATE WITH ONLINE SOCIAL NETWORKS, AND TO COMMUNICATE WITH OTHERS VIA A MESSAGE BOARD, IN

PRINCIPAL REGISTER CLASS 9 (U.S. CLS, 21, 23, 26, 36 AND 38).

FIRST USE 9-17-2009; IN COMMERCE 9-17-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-874,255, FILED 11-17-2009.

SALLY SHIH, EXAMINING ATTORNEY

Durector of the United States Parent and Producings. Office

TWILIGHT

Reg. No. 4,175,905

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET

Registered July 17, 2012 SUITE 120

Int. Cl.: 4

SANTA MONICA, CA 90404

TRADEMARK

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

SN 77-640.048, FILED 12-25-2008.

CYNTHIA TRIPI, EXAMINING ATTORNEY



TWILIGHT

Reg. No. 3,861,517

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET

Registered Oct. 12, 2010 SUITE 120

Int. Cl.: 5

SANTA MONICA, CA 90404

FOR: ADHESIVE BANDAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 3-0-2009; IN COMMERCE 3-0-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640,049, FILED 12-25-2008.

CYNTHIA TRIPI, EXAMINING ATTORNEY



Director of the United States Patent and Producer's Office

TWILIGHT

Reg. No. 4,084,243

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Jan. 10, 2012 SUITE 120

1630 STEWART STREET

Int. Cls.: 9 and 41

SANTA MONICA, CA 90404

TRADEMARK

FOR: MAGNETS, DECORATIVE MAGNETS SOLD IN SHEETS, COMPUTER GAME SOFT-WARE, DECORATIVE MAGNETS, LAPTOP CARRYING CASES, AND VIDEO GAME

SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SERVICE MARK

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

PRINCIPAL REGISTER

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ONLINE COMPUTER GAMES,

IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640,050, FILED 12-25-2008.

CYNTHIA TRIPI, EXAMINING ATTORNEY



TWILIGHT

Reg. No. 3,884,386

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Nov. 30, 2010 SANTA MONICA, CA 90404

Int. Cl.: 9

FOR: PRE-RECORDED DVDS AND OTHER AUDIOVISUAL RECORDINGS FEATURING MOTION PICTURES AND DOCUMENTARIES; MOTION PICTURE FILMS IN THE FIELDS OF DRAMA AND ROMANCE; AND MOUSEPADS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36

TRADEMARK

AND 38).

PRINCIPAL REGISTER

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,354, FILED 6-25-2008.

SKYE YOUNG, EXAMENING ATTORNEY



Detector of the United States Fasest and Audensa's Office

TWILIGHT

Reg. No. 4,067,513

Registered Dec. 6, 2011 SANTA MONICA, CA 90404

Int. Cl.: 16

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, STE. 120

FOR: CALENDARS; STICKERS; POSTERS; GREETING CARDS, MAGAZINES FEATURING MOTION PICTURES, TRADING CARDS, ART PICTURES, ART PAPERS, AND DECALS, IN

CLASS 16 (U.S. CLS, 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 9-22-2008; IN COMMERCE 9-22-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-509,417, FILED 6-26-2008.

SKYE YOUNG, EXAMINING ATTORNEY



TWILIGHT

Reg. No. 3,884,385

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, STE. 120

Registered Nov. 30, 2010 SANTA MONICA, CA 90404

Int. CL: 18

FOR: ALL PURPOSE CARRYING BAGS, BACK PACKS, BEACH BAGS, WALLETS, PURSES, BUSINESS CARD CASES, PET CLOTHING, LUGGAGE, AND MESSENGER BAGS, IN

CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

TRADEMARK

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,353, FILED 6-26-2008.

SKYE YOUNG, EXAMINING ATTORNEY



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Director of the United States Pascas said | Darkstant. Office

TWILIGHT

Reg. No. 4,109,098

Registered Mar. 6, 2012 SANTA MONICA, CA 90404

Int. Cls.: 20 and 24

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY) 1630 STEWART STREET, SUITE 120

FOR: KEY CHAINS MADE OF PLASTIC, DECORATIVE WALL PLAQUES OF WOOD, DECORATIVE WALL PLAQUES OF PLASTIC, PICTURE FRAMES, PLASTIC NOVELTY LICENSE PLATES, AND WOOD BOXES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

FOR: BED LINENS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,072, FILED 6-30-2008.

SKYB YOUNG, EXAMINING ATTORNEY



TWILIGHT

Reg. No. 4,063,716

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET

Registered Nov. 29, 2011 SUITE 120

Int. Cl.: 21

TRADEMARK

SANTA MONICA, CA 90404

FOR: LUNCHBOXES, BEVERAGEWARE, CANDY BOXES, CERAMIC FIGURINES, AND DECORATIVE CERAMIC TILES NOT FOR USE AS BUILDING MATERIALS, IN CLASS 21

(U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

PRINCIPAL REGISTER

FIRST USE 10-1-2008; IN COMMERCE 10-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640.052, FILED 12-25-2008.

CYNTHIA TRIPL EXAMINING ATTORNEY



TWILIGHT

Reg. No. 3,944,718

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

SUITE 200, SOUTH TOWER Registered Apr. 12, 2011 1601 CLOVERFIELD BOULEVARD

Int. Cl.: 25

SANTA MONTCA, CA 90404

TRADEMARK

FOR: CLOTHING, NAMELY, T-SHIRTS, LOUNGEWEAR, SOCKS, PANTS, SWEATSHIRTS, SWEATPANTS, BANDANAS, SCARVES, APRONS, JACKEIS, TANK TOPS, VESTS, NECKTIES, JERSEYS, SHIRTS, SWEATERS, BABYDOLL T-SHIRTS, INFANTWEAR, TRACK PANTS, AND HOODED SHIRTS; HEADWEAR; BELTS; AND WRIST CUFFS, IN CLASS 25

PRINCIPAL REGISTER

(U.S. CLS. 22 AND 39).

FIRST USE 5-1-2008: IN COMMERCE 5-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,096, FILED 6-30-2008.

SKYE YOUNG, EXAMINING ATTORNEY



TWILIGHT

Reg. No. 3,867,985

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Oct. 26, 2010 1601 CLOVERFIELD BOULEVARD

SUITE 200, SOUTH TOWER

Int. Cl.: 26

SANTA MONTCA, CA 90404

FOR: BELT BUCKLES NOT MADE OF PRECIOUS METAL; ORNAMENTAL CLOTH PATCHES; EMBROIDERED PATCHES FOR CLOTHING; AND ORNAMENTAL NOVELTY

BUTTONS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,117, FILED 6-30-2008,

SKYE YOUNG, EXAMINING ATTORNEY



Derector of the United States Preent and Itademark Office

TWILIGHT

Reg. No. 4,096,676

Registered Feb. 7, 2012 SUITE 120

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET

SÁNTA MONICA, CA 90404

FOR: ACTION FIGURES, PUZZLES, BOARD GAMES, DOLLS, BENDABLE TOYS, CARD GAMES, CHRISTMAS STOCKINGS, AND CHRISTMAS TREE ORNAMENTS, IN CLASS

28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-982,782, FILED 12-25-2008.

CYNTHIA TRIPL EXAMINING ATTORNEY



Int. Cls.: 41 and 45

Prior U.S. Cls.: 100, 101 and 107

Reg. No. 3,756,560

United States Patent and Trademark Office Amended

Registered Mar. 9, 2010 OG Date Apr. 20, 2010

SERVICE MARK PRINCIPAL REGISTER

TWILIGHT

SUMMIT ENTERTAINMENT, LLC (DE-LAWARE LIMITED LIABILITY COM-PANY) SUITE 200, SOUTH TOWER 1601 CLOVERFIELD BOULEVARD SANTA MONICA, CA 90404

THE MARK CONSISTS OF STAN-DARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: [ENTERTAINMENT IN THE NATURE OF ON-GOING DRAMATIC TELEVISION PROGRAMS,] PRODUC-

TION AND DISTRIBUTION OF MOTION PICTURES, PROVIDING INFORMATION RELATING TO MOTION PICTURES [, TELEVISION PROGRAMS] AND LITERARY WORKS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-18-2008; IN COMMERCE 4-18-2008.

FOR: LICENSING OF MERCHANDISE
ASSOCIATED WITH MOTION PICTURES;
PROVIDING ONLINE INFORMATION
ON THE LICENSING OF MERCHANDISE
ASSOCIATED WITH MOTION PICTURES;
IN CLASS 45 (U.S. CLS. 100 AND 101).
FIRST USE 6-1-2008; IN COMMERCE
6-1-2008.
SEP. NO. 77-511 175 FILED 6-30-2008

SER. NO. 77-511,175, FILED 6-30-2008.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Apr. 20, 2010.



Reg. No. 4,372,794 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 23, 2013 SANTA MONICA, CA 90404

Int. Cl.: 26 FOR: ORNAMENTAL CLOTH PATCHES, BELT BUCKLES NOT MADE OF PRECIOUS

METAL, EMBROIDERED PATCHES FOR CLOTHING, ORNAMENTAL NOVELTY BUTTONS, AND SHOELACES; AND HAIR ACCESSORIES, NAMELY, BOBBYPINS, BARRETTES AND

TRADEMARK CLIPS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

PRINCIPAL REGISTER FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

OWNER OF U.S. REG. NOS. 3,867,985, 4,091,590, AND OTHERS.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-852,787, FILED 10-20-2009.

ESTHER BELENKER, EXAMINING ATTORNEY



Acting Director of the United States Patent and Trademark Office



THE TWILIGHT SAGA

Reg. No. 4,369,020

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered July 16, 2013 SANTA MONICA, CA 90404

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

FOR: ACTION FIGURES, BOARD GAMES, BOWLING BAGS, CARD GAMES, CHRISTMAS STOCKINGS, DOLLS, JIGSAW PUZZLES, PUZZLE BALLS; BALLOONS, BALLS FOR GAMES, BENDABLE TOYS, CHRISTMAS TREE ORNAMENTS, PARTY FAVORS IN THE NATURE OF SMALL TOYS, PET TOYS, PLUSH TOYS, AND SPORTS BALLS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386, AND OTHERS.

SN 85-279,315, FILED 3-29-2011.

KATHLEEN LORENZO, EXAMINING ATTORNEY



June Junes va



TWILIGHT BRIDAL

Reg. No. 4,369,085 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 16, 2013 2700 COLORADO AVENUE, 2ND FLOOR SANTA MONICA, CA 90404

Int. Cl.: 21 FOR: PLATES AND DRINKING GLASSES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40

AND 50).

TRADEMARK FIRST USE 4-17-2013; IN COMMERCE 4-17-2013.

PRINCIPAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL", APART FROM THE

MARK AS SHOWN.

SN 85-337,021, FILED 6-3-2011.

ASMAT KHAN, EXAMINING ATTORNEY



Acting Director of the United States Patent and Trademark Office



TWILIGHT BRIDAL

Reg. No. 4,369,086 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 16, 2013 2700 COLORADO AVENUE, 2ND FLOOR SANTA MONICA, CA 90404

Int. Cl.: 24 FOR: BED LINENS, CLOTH NAPKINS, CURTAINS OF TEXTILE OR PLASTIC, AND TABLE

LINENS, IN CLASS 24 (U.S. CLS. 42 AND 50).

TRADEMARK FIRST USE 4-17-2013; IN COMMERCE 4-17-2013.

PRINCIPAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL", APART FROM THE

MARK AS SHOWN.

SN 85-337,022, FILED 6-3-2011.

ASMAT KHAN, EXAMINING ATTORNEY



Acting Director of the United States Patent and Trademark Office



BELLA TWILIGHT

Reg. No. 4,384,462 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered Aug. 13, 2013 SANTA MONICA, CA 90404

Int. Cl.: 24 FOR: BED LINENS; CLOTH NAPKINS; CURTAINS OF TEXTILE OR PLASTIC; AND TABLE

LINENS, IN CLASS 24 (U.S. CLS. 42 AND 50).

TRADEMARK FIRST USE 4-0-2013; IN COMMERCE 4-0-2013.

PRINCIPAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

SN 85-338,240, FILED 6-4-2011.

CHARLOTTE CORWIN, EXAMINING ATTORNEY



June Junes va



Reg. No. 4,368,828

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

2700 COLORADO AVENUE, 2ND FLOOR

Registered July 16, 2013 SANTA MONICA, CA 90404

Int. Cl.: 18

TRADEMARK

FOR: ALL PURPOSE CARRYING BAGS; ALL PURPOSE CARRYING CASES, BACK PACKS, BUSINESS CARD CASES, COSMETIC CARRYING CASES SOLD EMPTY, HANDBAGS, KEY CHAINS OF LEATHER, KEY CHAINS OF IMITATION LEATHER, MAKEUP BAGS SOLD EMPTY, MESSENGER BAGS, PURSES, UMBRELLAS, WALLETS; BEACH BAGS, COLLARS FOR PETS, LUGGAGE, LUGGAGE TAGS, PET CLOTHING, IN CLASS 18 (U.S.

PRINCIPAL REGISTER

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

OWNER OF U.S. REG. NOS. 3,884,385 AND 4,324,927.

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-852,680, FILED 10-20-2009.

CLS. 1, 2, 3, 22 AND 41).

ESTHER BELENKER, EXAMINING ATTORNEY





Reg. No. 4,368,830 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 16, 2013 SANTA MONICA, CA 90404

Int. Cl.: 21 FOR: DECORATIVE PLATES, GLASS STORAGE JARS, AND SERVING TRAYS, IN CLASS

21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

TRADEMARK FIRST USE 11-0-2011; IN COMMERCE 11-0-2011.

PRINCIPAL REGISTER THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SN 77-852,755, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



Acting Director of the United States Patent and Trademark Office



TWIHARD

Reg. No. 4,376,816 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered July 30, 2013 SANTA MONICA, CA 90404

Int. Cl.: 25 FOR: PANTS, SLEEPWEAR, AND SWEATPANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-15-2012; IN COMMERCE 1-15-2012. **TRADEMARK**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

PRINCIPAL REGISTER TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-128,736, FILED 9-14-2010.

JUSTINE D. PARKER, EXAMINING ATTORNEY



June Municipal



TWIHARD

Reg. No. 4,110,325

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Mar. 6, 2012 SANTA MONICA, CA 90404

Int. Cl.: 25

FOR: CLOTHING, NAMELY, APRONS, HOODED SHIRTS, JACKETS, JERSEYS, LOUN-GEWEAR, MATERNITY WEAR, NAMELY, MATERNITY SHIRTS, SHIRTS, SWEATSHIRTS, TANK TOPS; WIND RESISTANT JACKETS; FOOTWEAR; HEADWEAR, IN CLASS 25 (U.S.

TRADEMARK

CLS. 22 AND 39).

PRINCIPAL REGISTER

FIRST USE 9-22-2008; IN COMMERCE 9-22-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-976,081, FILED 9-14-2010.

JUSTINE D. PARKER, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

EXHIBIT B

TO DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT, LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL



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BELLA TWILIGHT

Word Mark

BELLA TWILIGHT

Goods and Services

IC 015, US 002 021 038, G & S; Music boxes

Standard Characters

Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number Filing Date

85338238 June 4, 2011

Current Basis Original Filing Basis 1B

1B

Published for Opposition November 1, 2011

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

(Use the "Back" button of the Internet Browser to return to TESS)

Monica CALIFORNIA 90404

Attorney of Record

Jill M. Pletrini

Prior Registrations

3867985;3929237;3944718;AND OTHERS

TRADEMARK Type of Mark PRINCIPAL Register

Live/Dead Indicator LIVE

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Start List At: OR Jump to record: Record 27 out of 83

TSDR ASSIGN Status 1 LAS Status (Use the "Back" button of the Internet Browser to return to TESS)

BELLA TWILIGHT

Word Mark

BELLA TWILIGHT

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, dresses, i-shirts, sweatphirts, sweatpants, shirts, and jackets; formal wear in the nature of bridgi dresses, bridesmaid dresses, evening dresses, gowns, evening tops, wraps, evening stacks, suits, tuxedos, evening jackets, formal shirts, vests, cummerbunds, ties, and formal shoes, wraps as clothing; and headwear

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number Filing Date 85338241 June 4, 2011

Original Filing

1B 1B

Published for

May 1, 2012

Opposition

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica

CALIFORNIA 90404

Attorney of Record Jill M. Pletrini

Prior Registrations 3867985;3929237;3944718;AND OTHERS

Type of Mark

TRADEMARK

Register

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BELLA TWILIGHT

Word Mark

BELLA TWILIGHT

Goods and Services

IC 028. US 022 023 038 050, G & S: Snow globes

Standard Characters

Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number **Filing Date**

85338243 June 4, 2011

Current Basis

1B

Original Filing Basis

1R

Published for Opposition November 1, 2011

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Attorney of Record

Jill M. Pletrini

Prior Registrations

3867985;3929237;3944718;AND OTHERS

Type of Mark Register

TRADEMARK PRINCIPAL

Live/Dead Indicator

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IMMORTAL TWILIGHT

Word Mark IMMORTAL TWILIGHT

IC 003, US 001 004 006 050 051 052, G & S: Fragrances Goods and Services

Standard Characters

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85264886 Filing Date March 11, 2011

Current Basis 1B Original Filing Basis 18

Published for Opposition May 31, 2011

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Owner

Monica CALIFORNIA 90404

Attorney of Record

JIII M. Pletrini

Prior Registratione 3861517;3884386;3929237;AND OTHERS

Type of Mark TRADEMARK Register PRINCIPAL LIVE Live/Dead Indicator

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TWILIGHT BEAUTY

Word Mark **TWILIGHT BEAUTY**

IC 003. US 001 004 006 050 051 052. G & S: Cosmetics; artificial eyelashes; artificial fingernalis; nall polish; non-medicated hair care **Goods and Services**

preparations; non-medicated skin care preparations; and massage oil

Standard Characters

Claimed

Owner

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85185154

November 24, 2010 Filing Date

18 **Current Baels**

Original Filing Basis 18 (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Attorney of Record JIII M. Pletrini

Prior Registrations 3756560;3661517;3667985;AND OTHERS

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEAUTY" APART FROM THE MARK AS SHOWN Disclaimer

TRADEMARK Type of Mark **PRINCIPAL** Register

Live/Dead Indicator LIVE

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TWILIGHT BEAUTY

Word Mark TWILIGHT BEAUTY

IC 035. US 100 101 102. G & S: Online retall store services featuring cosmetics, non-medicated skin care preparations, gift sets, and nall polish. FIRST USE: 20090828. FIRST USE IN COMMERCE: 20090828 Goods and Services

Standard Characters

Cislmed

(4) STANDARD CHARACTER MARK Mark Drawing Code

Serial Number 85185159

Filing Date November 24, 2010

Султент Basis 1A Original Filing Basis 1A

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Owner

Monica CALIFORNIA 90404

Attorney of Record Jill M. Pletrini

Prior Registrations 3756560;3861517;3887985;AND OTHERS

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEAUTY" APART FROM THE MARK AS SHOWN Disclaimer

SERVICE MARK Type of Mark Register **PRINCIPAL** Live/Dead Indicator LIVE

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TWILIGHT BRIDAL

Word Mark

TWILIGHT BRIDAL

Goods and Services

IC 008. US 023 028 044. G & S: Flatware, namely, knives, forks, and spoons; and serving knives

Standard Characters

Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number Filing Date

85337017 June 3, 2011

Current Basis

18

Original Filing Basis

18

Published for Opposition September 18, 2012

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Attorney of Record

JIII M. Pletrini

Prior Registrations

3867985;3929237;3944718;AND OTHERS

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

Type of Mark Register

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Live/Dead Indicator

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GHT BRID

Word Mark TWILIGHT BRIDAL

IC 014, US 002 027 028 050. G & S; Jewelry; jewelry boxes; jewelry boxes of metal; musical jewelry boxes; and jewelry sets **Goods and Services**

comprised of lewelry

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

85337018 Serial Number

Filing Date June 3, 2011 **Current Basis** 18

18 Original Filing Basis

Published for Opposition April 9, 2013

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Owner

Monica CALIFORNIA 90404

Attorney of Record

Jill M. Pletrini

Prior Registrations

Disclalmer

3867985;3929237;3944718;AND OTHERS NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

TRADEMARK Type of Mark

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PRINCIPAL Register Live/Dead Indicator LIVE

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Word Mark

TWILIGHT BRIDAL

Goods and Services

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paperweights; gift cards; gift wrapping paper, invitation cards; note cards;

paper party decorations; paper party favors; and photograph albums

Standard Characters

Claimed

(4) STANDARD CHARACTER MARK Mark Drawing Code

Serial Number Filing Date

85337019 June 3, 2011

Current Basis

1B 18

Original Filing Basis **Published for** Opposition

May 14, 2013

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Atterney of Record

Prior Registrations

3867985;3929237;3944718;AND OTHERS

Disclalmer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

Type of Mark

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TWILIGHT BRIDAL

Word Mark TWILIGHT BRIDAL

Goods and Services IC 020, US 002 013 022 025 032 050, G & S: Decorative boxes made of wood or plastic

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85337020 Filing Date June 3, 2011

Current Basis 18
Original Filing Basis 18
Published for Opposition April 9, 2013

Owner (APPLICANT) Summit Entertainment, LLC LimitED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Attorney of Record Jill M. Pletrini

Prior Registrations 3867985;3929237;3944718;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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TWILIGHT BRIDAL

Word Mark

TWILIGHT BRIDAL

Goods and Services

IC 025. US 022 039. G & S: Clothing, namely, dresses and gowns in the nature of bridal dresses. FIRST USE: 20111121. FIRST

USE IN COMMERCE: 20111121

Standard Characters

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 85337023 **Fiting Date** June 3, 2011

Current Basis 1B Original Filing Basis 1B

Published for Opposition July 3, 2012 International Registration

Number

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Owner Monica CALIFORNIA 90404

Attorney of Record

JII M. Pietrini

Prior Registrations

3867985;3929237;3944718;AND OTHERS NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

Disclaimer Type of Mark TRADEMARK

PRINCIPAL Register LIVE Live/Dead Indicator

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HIBRID

Word Mark

TWILIGHT BRIDAL

Goods and Services

IC 028, US 022 023 038 050, G & S; Snow globes

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number 85337025 June 3, 2011 Filing Date

Current Basis 18 Original Fifing Basis 18

Published for Opposition December 11, 2012

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Owner

Monica CALIFORNIA 90404

Attorney of Record Jilf M. Pfetrinf

Prior Registrations 3867985;3929237;3944718;AND OTHERS

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Record 34 out of 83

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Word Mark TWILIGHT BRIDAL

Goods and Services

IC 031, US 001 048, G & S; Live flowers; five flower arrangements; and five flower wreaths

Standard Characters

Claimed

(4) STANDARD CHARACTER MARK Mark Drawing Code

Serial Number 85337026 June 3, 2011 Filing Date

Current Basis Original Filing Basis 18

Published for Opposition November 13, 2012

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Owner

Monica CALIFORNIA 90404

Attorney of Record

Jill M. Pietrini

Prior Registrations 3867985;3929237;3944718;AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

Type of Mark Register PRINCIPAL LIVE Live/Dead Indicator

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TWILIGHT BRIDAL

Word Mark

TWILIGHT BRIDAL

Goods and Services

IC 043, US 100 101, G & S: Hotel, restaurant, and catering services

Standard Characters

Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK 85337028

Serial Number Filing Date

June 3, 2011

1B **Current Basis**

Original Filling Basis 1B

Published for Opposition December 11, 2012

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Attorney of Record

Jill M. Pietrini

Prior Registrations

3887985;3929237;3944718;AND OTHERS

Discialmer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BRIDAL" APART FROM THE MARK AS SHOWN

Type of Mark

SERVICE MARK

Register Live/Dead Indicator PRINCIPAL

LIVE

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THE TWILIGHT SAGA

Word Mark

THE TWILIGHT SAGA

Goods and Services IC 003, US 001 004 006 050 051 052, G & S: (Based on Use in Commerce) Cosmetics and nail polish; (Based on Intent to Use) Body shimmer powder; fragrances; non-medicated lip care preparations; non-medicated hair care preparations; non-medicated skin care preparations; non-medicated tolletries; and skin soap, FIRST USE: 20100700. FIRST USE IN COMMERCE: 20100700

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Code Serial Number

Seriai Number 65279287 Filing Date March 29, 2011 Current Basis 1A:1B

Current Basis Original Filing Basis

1A;1B

Published for

June 7, 2011

Opposition Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA

90404

Attorney of Record

Jill M. Pietrini

Prior Registrations

3756560;3884385;3884386;AND OTHERS

Type of Mark Register

TRADEMARK PRINCIPAL

Live/Dend

FRANCIEAL

Indicator

LIVE

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THE TWILIGHT SAGA

Word Mark

THE TWILIGHT SAGA

Goods and Services

[C 008, US 021 023 026 036 036, G & S: Downloadable files in the field of entertainment, namely, ringtones; backpacks adapted for holding computers; camera cases; cell phones; decorative charms for cell phones; disposable cameras; electronic diaries; eyewear and cases for eyewear; laptop carrying cases; neon signs; computer games, namely, computer game software; and video games, namely, video game discs and software

Standard Characters Claimed

Mark Drawing

(4) STANDARD CHARACTER MARK

Serial Number

March 29, 2011 Filing Date

Current Basis Original Fifting Basis

1A;1B

Published for

July 5, 2011

Opposition Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA

90404

Attorney of Record

Jig M. Pletrini

Prior Registrations

3758560;3884385;3884386;AND OTHERS

Type of Mark Register

TRADEMARK **PRINCIPAL**

Live/Dead Indicator

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THE TWILIGHT SAGA

Word Mark

THE TWILIGHT SAGA

Goods and Services

IC 041, US 100 101 107, G & S: Entertainment in the nature of on-going dramatic talevision programs; and providing online

computer games

Standard Characters

Mark Drawing Code

(4) STANDARD CHARACTER MARK 85279319

Serial Number

March 29, 2011

Filing Date

Current Basis

1A;18

Original Filing Basis

Published for Opposition July 5, 2011

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA 90404

TOP HELP

Attorney of Record

Jill M. Pletini

Prior Registrations

3756560;3884385;3884388;AND OTHERS

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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TWILIGHT

Word Mark

TWILIGHT

Goods and Services

IC 003. US 001 004 006 050 051 052. G & S: Fragrances; cosmetics, namely, lip pencils, eye shadow, eyeilner, eyebrow pencil, eye pencil, lip gloss, lipstick, non-medicated lip balm, mascara, nail polish, blush, concealer, compacta, artificial eyelashes, artificial fingernalis, nail polish top coat, nail polish base coat, lip foundation, and eyebrow gloss; skin care products, namety, astringent for cosmetic purposes, bath get, bath oil, bath powder, beauty mask, body cream, body lotion, bubble bath, eye cream, skin moisturizer, essential oils for personal use, eye make-up remover, facial scrubs, make-up remover, shower get, hand cream, massage oil, shaving cream, skin clariflers, skin soap, skin emollients, sun screen preparations, suntanning preparations, depliatory creams, after-shave lotion, and anti-wrinde cream; heir care products, namely, hair dyes, hair conditioners, non-medicated heir care preparations, hair waving lotion, hair finess, hair color

removers, and hair shampoo; and incense

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number June 25, 2008 Filing Date

Current Basis **1B**

Original Filing Basis

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA 90404

Attorney of Record

JIII M. Pletrini, Esq. Type of Mark TRADEMARK **PRINCIPAL**

Register Live/Dead

LIVE

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TWILIGHT

Word Mark

TWILIGHT

Goods and Services

IC 014. US 002 027 028 050. G & S: Jewelry; clocks; jewelry boxes; medala, lapel pins; watches; watch bands; and sun dials

Standard Characters

Claimed

(4) STANDARD CHARACTER MARK

Mark Drawing Code Serial Number

77508239

Filing Date

June 25, 2008

Current Basis

18 18

Original Filing Basis **Published for Opposition**

April 16, 2013

International Registration

Number

1153947

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor

Santa Monica CALIFORNIA 90404

Attorney of Record

JIII M. Pietrini

Type of Mark Register

TRADEMARK PRINCIPAL

Live/Dead Indicator

LIVE

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TWILIGHT

Word Mark

TWILIGHT

Goods and Services

IC 026, US 022 023 038 050, G & S: Action skill games, chess games, Christmas tree skirts, playing cards, party favors in the

nature of small toys

Standard Characters

Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

77640053 Serial Number

December 25, 2008 Filing Date

18 **Current Basis** 18

Original Filing Basis

Published for Opposition April 5, 2011

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa

Monica CALIFORNIA 90404

Attorney of Record Jill M. Pietrini TRADEMARK Type of Mark Register PRINCIPAL

Live/Dead Indicator LIVE

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Word Mark TWILIGHT

Goods and
IC 003, US 001 004 006 050 051 052, G & S: (Based on Use in Commerce) Body shimmer powder; cosmetics; fragrances; and non-medicated lip balm; (Based on Intent to Use) Artificial systashes; incense; hair care products, namely, hair color remover, hair conditioner, hair dye, hair rinses, hair shampoo, hair waving lotion, and non-medicated hair care preparations; natil care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and stin care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and ston care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top coat; and ston care products, namely, artificial fingernals, emery boards, natil polish, natil polish base coat and natil polish top, and non-medicated top polish, natil polish top, and non-medicated top polish polish.

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial 77852604

Number

Filing Date October 20, 2009 Current 1A:18

Original Filing Basis 1A;1B

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA 90404

Attorney of JII M. Pietrini Record

Description Color is not claimed as a feature of the mark. The mark consists of the word "Twillight" in a stylized font.

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead indicator

LIVE

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Word Mark

TSDR

Goods and Services

IC 014. US 002 027 028 050. G & S: (Based on Intent to Use) Brass wrist cuff bracelets, medals, sun dials, and watch bands; (Based on Use in Commerce) Clocks, jewelry, jewelry boxes, jewelry boxes of metal, lapel pins, rings, rubber bracelets, watch bracelets, and watches. FIRST USE: 20080800. FIRST USE IN COMMERCE: 20080800

(Use the "Back" button of the Internet Browser to return to TESS)

Mark Drawing Code

(6) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Şerial Number

Filing Date October 20, 2009

Current Basis Original Filing Basis 1A;1B

77852627

Published for

1A;1B

Opposition

April 9, 2013

Owner

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA 60404

Attorney of Record

Jill M. Pietrini

Description of

Color is not claimed as a feature of the mark. The mark consists of the word "Twilight" in a stylized font.

Type of Mark Register

TRADEMARK PRINCIPAL

Live/Dead Indicator

LIVE

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Word Mark

Goods and

IC 016, US 002 005 022 023 029 037 038 050, G & S: (Based on Use in Commerce) Adhesive tape for stationery or household purposes, bookmarks, calendars, decals, paper door hargers, gift cards, penoli cases, pens, posters, stickers, and trading cards; and kts comprised of books of stickers and charms (Based on Intent to Use) address books, appointment books, an papers, an plottures, paper banners, binders, book covers, bookends, chalk, chalk boards for school and home use, coloring books, decorating papers, dry erase writing boards, erasers, file folders, gift wrapping paper, greeting cards, blank journals, lithographs, magazines in the field of entertainment, money cilps, note cards, notebooks, paper bags, paper paners, paper metals, paper metals, paper metals, paper bags, paper party decorations, paper place mats, paperweights, pencils, photograph albums, poster books, rubber stamps, scrapbook albums, scrapbooks, stationery, and temporary tattoos; kits comprised of books of stickers and containing sticker books and plastic figurines. FIRST USE; 20080600. FIRST USE IN COMMERCE; 20080600

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serbal 77852670 Number

Filmg Date October 20, 2009 Current 1A;1B

Bask Original Filing Basis

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA 90404 Owner

Attorney of JIII M. Pletrini Record

Description Color is not claimed as a feature of the mark. The mark consists of the word "Twillight" in a stylized font, of Mark

Type of Mark TRADEMARK PRINCIPAL Register Live/Dead LIVE Indicator

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Word Mark

Goods and Services

IC 028, US 022 023 038 050, G & S: (Based on Intent to Use) Action skill games, amusement game machines, arcade games, balloons, balls for games, bendable toys, bobble head dolls, body boards, card games, carnival masks, checker sets, chess games, Christmas tree ornaments, Christmas tree skirts, covers for golf clubs, doll cases, doll circting, dolls, flying discs, fuzzy dice, golf ball markers, golf balls, kites, model cars, toy model vehicles and related accessories sold as units, toy model kit cars, toy scale model kits, toy model hobbycraft kits, toy model hobbycraft kits for constructing toy model landscapes, scenery, and action figures, party favors in the nature of small toys, pot toys, plush toys, snow globes, sports balls, stress relief balls for hand exercise, and yo-yos; (Based on Use in Commerce) Action figures, board games, bowling bags, Christmas stockings, playing cards, and puzzles, FIRST USE: 20081000. FIRST USE IN COMMERCE: 20081000

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial 77852798

Flling Date October 20, 2009 Current 1A;1B

Original Filing Basie

Published for November 6, 2012

Opposition

(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 2700 Colorado Avenue, 2nd Floor Santa Monica CALIFORNIA 90404

Owner Attorney of

Jil M. Pietrini Record

Description of Mark

Color is not claimed as a feature of the mark. The mark consists of the word "Twillight" in a styllzed font,

Type of Mark TRADEMARK **PRINCIPAL** Register Live/Dead

LIVE Indicator

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EXHIBIT C

TO DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT, LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL

Case 2:14-cv-00104-R-PJW Document 16 Filed 01/27/14 Page 129 of 204 Page ID #:512 Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number VA 1-689-491

Effective date of registration:

November 6, 2009

Title -

Title of Work: Publicity Site New Moon Advertising Art Image No. 1

Previous or Alternative Title: Teaser 1

Nature of Work: Photograph with Artwork

Completion/Publication -

Year of Completion: 2009

Date of 1st Publication: May 22, 2009

Nation of 1st Publication: United States

Pseudonymous: No

Author

Author: James White

Author Created: Photograph

Work made for hire: No

Citizen of: United States

Anonymous: No

Author: The Cimarron Group

Author Created: 2-Dimensional artwork

Work made for hire: Yes

Citizen of: United States

Copyright claimant -

Copyright Claimant: Summit Entertainment, LLC

1630 Stewart Street, Suite 120, Santa Monica, CA 90404

Transfer Statement: By Assignment.

Limitation of copyright claim .

Previously registered: No

Certification

Name: Kathryn Vaclavik, authorized agent of Summit Entertainment,

LLC

Date: November 5, 2009

Case 2:14-cy-00104-R-PJW Document 16 Filed 01/27/14 Page 131 of 204 Page ID #:514



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number VA 1-689-492

Effective date of registration:

November 6, 2009

Pseudonymous: No

Title ·

Title of Work: Publicity Site New Moon Photography Image No. 1

Previous or Alternative Title: New Moon Wolves Paul, Sam Uley, Jared and Embry Call are the Quileute

Wolf Pack in "The Twilight Saga: New Moon"

Nature of Work: Photograph with Artwork

Completion/Publication -

Year of Completion: 2009

Date of 1st Publication: April 22, 2009 Nation of 1st Publication: United States

Author

Author: James White

Author Created: Photograph

Work made for hire: No

Citizen of: United States

Anonymous: No

Author: The Cimarron Group

Author Created: 2-Dimensional artwork

Work made for hire: Yes

Citizen of: United States

Copyright claimant -

Copyright Claimant: Summit Entertainment, LLC

1630 Stewart Street, Suite 120, Santa Monica, CA 90404

Transfer Statement: By Assignment.

Limitation of copyright claim .

Previously registered: No

Certification

Name: Kathryn Vaclavik, authorized agent of Summit Entertainment,

LLC

Date: November 5, 2009

Case 2:14-cv-00104-R-PJW Document 16 Filed 01/27/14 Page 133 of 204 Page ID #:516 Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number VA 1-778-457

Effective date of registration:

June 25, 2011

Title -

Title of Work: The TWILIGHT SAGA: ECLIPSE one-sheet Trio

Completion/Publication

Year of Completion: 2009

Date of 1st Publication: March 23, 2010 Nation of 1st Publication: United States

Author

Author: Summit Entertainment, LLC

Author Created: photograph(s), 2-D artwork

Work made for hire: Yes

Citizen of: United States Domiciled in: United States

Copyright claimant -

Copyright Claimant: Summit Entertainment, LLC

1630 Stewart Street, Suite 120, Santa Monica, CA, 90404, United States

Transfer Statement: By written agreement

Certification

Name: Monica Danner

Date: June 25, 2011

Applicant's Tracking Number: 11186-033

EXHIBIT D

TO DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT, LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number:

PA 1-616-599

Effective date of registration:

December 12, 2008

Title —						
Title of Work:	TWILIGHT					
Completion/ Publication = Year of Completion: Date of 1st Publication:	2008					
Author	Summit Entertainment, I	IC				
	entire motion picture					
Work made for hire:	Yes					
Citizen of:	United States	Domiciled in:	United States			
Copyright Claimant:	Summit Entertainment, I	LC				
Limitation of copyright cla Material excluded from this claim:		s), preexisting music, literary ma	terial			
New material included in claim:		c material, production as a motio ipt, editing, entire motion picture				
Rights and Permissions						
Organization Name:	Summit Entertainment, I	LLC				
Name:	Legal Department ROW	ID:1-2AIMDV				
Email:	atillman@summit-ent.co	OID.	Telephone:	310-255-3055		
Address:	1630 Stewart Street					
	Suite 120					
	Santa Monica, CA 9040	United States				

Certification		
	Name:	Janet Chowsangrat
	Date:	December 1, 2008

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number PA 1-653-512

Effective date of registration:

November 24, 2009

Title —	<u> </u>					
	Nature of Work:	THE TWILIGHT SAGA: NEW MOON Motion Picture				
Complet	ion/ Publication - Year of Completion:					
	•		Nation of 1st Publication: United States			
Author •	Author:	Summit Entertainment, LLC				
	Work made for hire:	Yes				
	Citizen of:	United States				
	Anonymous:	No	Pseudonymous: No			
Copyrigh	t claimant ———— Copyright Claimant:	Summit Entertainment, LLC 1601 Cloverfield Blvd, Suite 200S, Santa Monica, CA 90404				
Limitatio	n of copyright cla	im ———				
Material	excluded from this claim:	The screenplay entitled "Ne picture "Twilight" (Registra	w Moon" (registration pending) The motion tion No.: PA 1-616-599)			
	Previously registered:	Yes				
Previo	us registration and year:	Pending 2008				
New ma	aterial included in claim:	All cinematographic material and revisions added to the screenplay. The Motion Picture is a sequel to the Motion Picture "Twilight".				
Certificat	tion —		· · · · · · · · · · · · · · · · · · ·			

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number PA 1-689-175

Effective date of registration:

July 2, 2010

Title -

Title of Work: THE TWILIGHT SAGA: ECLIPSE

Nature of Work: MOTION PICTURE

Completion/Publication -

Year of Completion: 2010

Date of 1st Publication: June 30, 2010 Nation of 1st Publication: United States

Author

Author: SUMMIT ENTERTAINMENT, LLC

Work made for hire: Yes

Anonymous: No Pseudonymous: No

Copyright claimant -

Copyright Claimant: Summit Entertainment, LLC

1601 Cloverfield Blvd., Suite 200 South, Santa Monica CA 90404

Limitation of copyright claim -

Material excluded from this claim: The novel "Eclipse" by Stephenie Meyer (Registration # TX 6-952-327), the

screenplay entitled "The Twilight Saga: Eclipse" (registration pending) and the motion pictures "Twilight" (Registration # PA 1-616-599) and "The

Twilight Saga: New Moon" (Registration #PA 1-653-512).

Previously registered: Yes

Previous registration and year: PENDING 2009

Basis of current registration: This is a changed version of the work.

New material included in claim: All cinematographic materials and revisions added to the screenplay. The

Motion Picture is a sequel to the motion picture "Twilight" and "The

Twilight Saga: New Moon".

Certification

Name: Janet Chowsangrat

Date: June 30, 2010



Case 2:14-cv-00104-R-PJW Document 16 Filed 01/27/14 Page 140 of 204 Page ID #:523 Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number PA 1-758-397

Effective date of registration:

November 18, 2011

Register of Copyrights, United States of America

Title -

Title of Work: The Twilight Saga: Breaking Dawn - Part 1

Completion/Publication -

Year of Completion: 2011

Date of 1st Publication: November 16, 2011

Nation of 1st Publication: South Africa

Preregistration: PRE000004659

Author

Author: Summit Entertainment, LLC

Author Created: entire motion picture, script/screenplay

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant -

Copyright Claimant: Summit Entertainment, LLC

1601 Cloverfield Blvd., Suite 200, South Tower, Santa Monica, CA, 90404,

United States

Limitation of copyright claim

Material excluded from this claim: The novel

The novel "Breaking Dawn" by Stephanie Meyer (TX 6-964-887), the screenplay entitled "The Twilight Saga: Breaking Dawn - Part 1" (PAu 3-521-211) and the motion pictures "Twilight" (PA 1-616-599), "The Twilight Saga: New Moon" (PA 1-653-512), and "The Twilight Saga: Eclipse" (PA 1-

689-175).

New material included in claim: All cinematographic materials and revisions added to the screenplay. The

Motion Picture is a sequel to the motion pictures entitled "Twilight," "The

Twilight Saga: New Moon," and "The Twilight Saga: Eclipse."

Certification

Name: Kelly Moore

Date: November 17, 2011



Registration #: PA0001758397 Service Request #: 1-687570371



Summit Entertainment, LLC Kelly Moore 1601 Cloverfield Blvd. Suite 200 South Santa Monica, CA 90404 United States

Case 2:14-cv-00104-R-PJW Document 16 Filed 01/27/14 Page 143 of 204 Page ID #:526 Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Registration Number PA 1-812-965

> Effective date of registration:

November 16, 2012

Register of Copyrights, United States of America

Title -

Title of Work: The Twilight Saga: Breaking Dawn - Part 2

Completion/Publication -

Year of Completion: 2012

Date of 1st Publication: November 13, 2012

Nation of 1st Publication: France

Preregistration: PRE000004661

Author

Author: Summit Entertainment, LLC

Author Created: entire motion picture, script/screenplay

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: Summit Entertainment, LLC

2700 Colorado Avenue, Santa Monica, CA, 90404, United States

Transfer Statement: By written agreement

Limitation of copyright claim

Material excluded from this claim: The novel "Breaking Dawn" by Stephenie Meyer (TX 6-964-887), the screenplay entitled "The Twilight Saga: Breaking Dawn - Part 2" (PAu 3-521-218) and the motion pictures entitled "Twilight" (PA 1-616-599), "The Twilight Saga: New Moon" (PA 1-653-512), "The Twilight Saga: Eclipse" (PA 1-689-175), and "The Twilight Saga: Breaking Dawn - Part 1" (PA 1-

758-397).

Previous registration and year: PAu 3-521-218 2010

Document 16 Filed 01/27/14 Page 144 of 204 Page ID #:527 Case 2:14-cv-00104-R-PJW

New material included in claim: All cinematographic materials and revisions added to the screenplay. The Motion Picture is a sequel to the motion pictures entitled "Twilight," "The Twilight Saga: New Moon," "The Twilight Saga: Eclipse," and "The Twilight Saga: Breaking Dawn - Part 1."

Certification

Name: Kelly Moore

Date: November 14, 2012



Registration #: PA0001812965 Service Request #: 1-850776271



Summit Entertainment, LLC Kelly Moore 2700 Colorado Avenue Santa Monica, CA 90404 United States

EXHIBIT E

TO DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT, LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL













Case 2:14-c/-(CLD4-RAPTIVE STOCKING) VICE FJERT CS/RTV24 OF FIGE ALES OF 201 Mage ID #:536

BETWEEN THE LOVES PRODUCTIONS

WWW TWIHARDER COM



EXHIBIT F

TO DEFENDANTS LIONS GATE ENTERTAINMENT CORP.'S AND SUMMIT ENTERTAINMENT, LLC'S ANSWER; COUNTERCLAIMANT SUMMIT ENTERTAINMENT, LLC'S COUNTERCLAIMS; AND DEFENDANTS' REQUEST FOR JURY TRIAL

Sheppard Mullin Richter & Hampton LLP 1901 Avenue of the Stars, Suite 1600 Los Angeles, CA 90067-6055 310.228.3700 main 310.228.3701 main fax www.sheppardmullin.com

Jill M. Pietrini 330.228.3723 direct jpietrini@sheppardmullin.com

File Number: 22HF-165423

June 27, 2012

John Gearries
BETWEEN THE LINES PRODUCTIONS, LLC
600 S. Curson Ave #314
Los Angeles, CA 90036

VIA FEDEX & EMAIL INFO@TWIHARDER.COM TWILIGHTBETWEENTHELINES@YAHOO.COM

Re: Infringement of Summit Entertainment's Intellectual Property derived from Twilight Motion Pictures

Dear Mr. Gearries:

We are writing to demand that Between the Lines Productions, LLC ("Between the Lines Productions" and "you") immediately cease and desist from infringing intellectual property owned by Summit Entertainment, LLC ("Summit") through the promotion, exhibition and performance of any movie(s) or other audio visual works under the title "Twiharder", the production, marketing, and sale of the merchandise under the mark TWIHARDER, and the use of the domain name <www.twiharder.com>.

We are counsel for Summit, the entity responsible for producing and distributing the highly successful motion pictures Twilight, The Twilight Saga: New Moon ("New Moon"), The Twilight Saga: Eclipse, The Twilight Saga: Breaking Dawn-Part 1, and the soon to be released The Twilight Saga: Breaking Dawn-Part 2 (collectively, the "Twilight Motion Pictures"), and owner of the trademarks and copyrights related to and derived from the Twilight Motion Pictures, including the marks TWILIGHT and TWIHARD, the copyrights in the scripts for the Twilight Motion Pictures, photographs and images associated with the Twilight Motion Pictures, in the Motion Pictures themselves, and in documentaries associated with the Motion Pictures (the "Twilight Intellectual Property"). Copies of Summit's copyright registrations associated with the Twilight Motion Pictures and of its trademark registrations are attached hereto as Exhibit A and Exhibit B, respectively. Summit has expressly licensed the use of the Twilight Intellectual Property for the manufacture, marketing and sale of a vast multitude of merchandise, and for a wide variety of services based on the characters, locations, and plots of the Twilight Motion Pictures throughout the world (the "Twilight Goods and Services").

It has come to Summit's attention that Between the Lines Productions had produced a movie titled "Twiharder" (the "Movie"), which copies key scenes from the *Twilight* Motion Pictures, is seeking distribution of the Movie, and operates a website at http://twiharder.com (the "Website") in which Between the Lines Productions is promoting the future release of the Movie, selling music downloads through the Website and other "official merchandise" (the "Infringing Goods") through CafePress.com, such as t-

John Gearries BETWEEN THE LINES PRODUCTIONS LLC June 27, 2012 Page 2

shirts, caps, mugs, bags and stationery, under the mark TWIHARDER, encourages viewers to sign up for the "Official Twiharder Fan Club" (collectively, the "Infringing Goods and Services"). Representative printouts of the Website that advertise the Movie and the merchandise are attached hereto as Exhibit C. The Website pages feature the TWIHARDER mark in a font confusingly similar to the distinctive font featured on authorized Twilight promotional materials and merchandise related to the Twilight Motion Pictures. Between the Lines Productions' use of the TWIHARDER mark, particularly in a style similar to Summit's stylized TWILIGHT font, and, given Summit's TWIHARD mark, has and will cause consumers to believe that Summit has approved, licensed, and/or authorized your use of its intellectual property, when, in fact, it has not done so. In fact, consumer confusion is increased by Between the Lines Productions' use of "Twiharder" in the website domain name, and its use of photographs and artwork featuring backlit forests, styled poses and color schemes which are similar to and reminiscent of those used on promotional materials for and merchandise related to New Moon. In fact, given the clearly intentional nature of the infringement, likelihood of confusion may be presumed by a federal court.

Between the Lines Productions' use of confusingly and substantially similar names of characters, settings, and plot elements from the *Twilight* Motion Pictures also guarantees consumer confusion. As noted above Summit has entered into licensing agreements with manufacturers, distributors, retailers (including CafePress.com) and service industry providers for the sale of products and the offering of services derived from the *Twilight* Motion Pictures.

Based on the trailer video displayed on the Website, Between the Lines Productions has also copied the key elements of the scripts of the copyrighted *Twilight* Motion Pictures and the *Twilight* Motion Pictures themselves. In fact, it appears that the entire Movie is just a condensed version of the *Twilight* Motion Pictures.

Notably, Between the Lines Productions' attempt to characterize the Movie as a parody does not immunize Between the Lines Productions from liability. The Movie has created and will continue to create consumer confusion and dilution under the trademark laws and is substantially similar under the Copyright Act. The Movie likewise will not qualify as fair use under the trademark or copyright laws. Between the Lines Productions has appropriated substantial elements from the *Twilight* Motion Pictures for a commercial purpose. There is nothing "fair" about the use. Rather, the Movie is a wholesale exploitation of Summit's valuable intellectual property rights in the *Twilight* Motion Pictures.

We note that Between the Lines Productions has also sought federal registration of TWIHARDER (Serial No. 85/357,228) on a use basis for "Entertainment in the nature of a series of short films and feature film" in Class 41, with a first use date of April 11, 2010. That application was subsequently abandoned on May 21, 2012, for failure to respond to an Office Action in which the U.S. Patent and Trademark Office cited Summit's prior pending application for TWIHARD, providing further notice to Between the Lines Productions of the likelihood of confusion with the Twilight Intellectual Property.

John Gearries BETWEEN THE LINES PRODUCTIONS LLC June 27, 2012 Page 3

In sum, Between the Lines Productions' actions described above constitute trademark infringement, copyright infringement, false designation of origin, and dilution. Furthermore, given the widespread popularity of the *Twilight* Motion Pictures, Between the Lines Productions' infringement is clearly willful. Summit takes the protection of its intellectual property very seriously and is prepared to litigate to enforce its rights. The remedies available to Summit for these unlawful acts include a nationwide injunction against the use of any intellectual property identical or confusingly or substantially similar to that owned by Summit, an award of Summit's actual damages, an award of Between the Lines Productions' profits, trebled/increased damages, statutory damages pursuant to the copyright statute for the use of the infringing material, and attorneys' fees. The above is not intended to be a complete listing of Summit's rights and remedies, and Summit reserves the right to assert other claims not stated herein.

Notwithstanding these available remedies, Summit is willing to resolve this matter promptly and without court action if a settlement can be reached. requests that Between the Lines Productions agree in writing to: (1) immediately cease and desist from presenting, marketing, and otherwise promoting the Movie, including on Facebook, Vimeo, YouTube.com, etc. or seeking distribution of the Movie; (2) turn over all works of authorship associated with the Movie, including all original and duplicate recordings or portions thereto; (3) turn over all marketing and promotional materials bearing the TWIHARDER trademark to Summit; (4) transfer ownership of the domain name <twiharder.com> to Summit; (5) provide us with an accounting of all donations made to Between the Lines Productions and disgorge such donations; (6) stop all manufacturing, marketing, selling and distribution of the Infringing Goods and all variations confusingly similar thereto; (7) agree not to manufacture, market, sell or distribute the Infringing Goods or provide any Infringing Services in the future, or otherwise use the TWIHARDER trademark or any other marks, logos, designs, or the like confusingly similar thereto; (8) recall the Infringing Goods from other retail stores, warehouses, and the like, and deliver all remaining inventory to us; (9) notify all such retailers that the Infringing Goods have been recalled and are not to be stocked and/or sold, and notify all members of the Twiharder fan club that the fan club has been terminated; (10) disgorge Between the Lines Productions' profits earned from the sale of the Infringing Goods; and (11) provide us with an accounting of the sales made to date. The accounting must include: (a) the revenue from the Website or any marketing thereof or affiliate programs related thereto; (b) the total revenue/sales of the Infringing Goods and any related sales in connection with the Infringing Goods or from the Movie, (c) the number of units of the Infringing Goods and of the Movie produced to date: (d) the number of units of the Infringing Goods sold to date; (e) the number of units of the Infringing Goods remaining in inventory; (f) the name of any distributors of the Movie; and (g) the revenue earned from the Twiharder fan club.

You may indicate your consent to these requests by signing the original of this letter and returning it to me by **July 9**, **2012**. A copy of this letter is enclosed for your records.

Nothing contained in this letter, nor any act or omission to act by Summit is intended or should be deemed to be a waiver, abridgment, alteration, modification or reduction of any rights, claims, defenses or remedies that Summit may have in regard to this

John Gearries BETWEEN THE LINES PRODUCTIONS LLC June 27, 2012 Page 4

matter and all such rights, claims, defenses and remedies, whether at law or in equity, are hereby expressly reserved.

Very truly yours,

JUM. Pietrini
SHEPPARD MULLIN RICHTER & HAMPTON LLP

JMP:SH Enclosures

cc:

Triad Web Design (via Federal Express)

David C. Friedman, Esq. Rachel Kimbrough, Esq. Robert Mason, Esq.

AGREED AND ACCEPTED:

W02-WEST:LSH\405600747.1

BETWEEN THE LINES PRODUCTIONS, LLC		
	Date:	
John Gearries Founder		

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17. United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number:

PA 1-616-599

Effective date of registration:

December 12, 2008

Title			
Title of Work:	TWILIGHT		
Completion/ Publication -		<u> </u>	<u> </u>
Year of Completion:			
Date of 1st Publication:	November 21, 2008 Nation of	f 1st Publication: United S	States
Author —			
 Author: 	Summit Entertainment, LLC		
Author Created:	entire motion picture		
Work made for hire:	Yes		
Citizen of:	United States	Domiciled in: United	i States
Copyright claimant		···	·
Copyright Claimant:	Summit Entertainment, LLC		
	•		
Limitation of copyright cla			
	preexisting photograph(s), preexisting	•	
New material included in claim:	all other cinematographic material, previsions/additions to script, editing,		re,
	10 months and the country	and dwidn blooms	
Rights and Permissions	_ <u> </u>	<u> </u>	
Organization Name:	Summit Entertainment, LLC		
Name:	Legal Department ROWID:1-2AIMD	v	
Email:	atillman@summit-ent.com	Tel	lephone: 310-255-3055
Address:	1630 Slewart Street		
	Suite 120		
•	Santa Monica, CA 90404 United State	es	

Certification		
	Name:	Janet Chowsangrat
	Date:	December 1, 2008

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number PA 1-689-175

> Effective date of registration: July 2, 2010

Title -Title of Work: THE TWILIGHT SAGA: ECLIPSE

Nature of Work: MOTION PICTURE

Completion/Publication -

Year of Completion: 2010

Date of 1st Publication: June 30, 2010 Nation of 1st Publication: United States

Author Author: SUMMIT ENTERTAINMENT, LLC

Work made for bire: Yes

Anonymous: No Pseudonymous: No

Copyright claimant -

Copyright Claimant: Summit Entertainment, LLC

1601 Cloverfield Blvd., Suite 200 South, Santa Monica CA 90404

Limitation of copyright claim

Material excluded from this claim: The novel "Eclipse" by Stephenie Meyer (Registration # TX 6-952-327), the

screenplay entitled "The Twilight Saga: Eclipse" (registration pending) and the motion pictures "Twilight" (Registration # PA 1-616-599) and "The

Twilight Saga: New Moon" (Registration #PA 1-653-512).

Previously registered: Yes

Previous registration and year: PENDING

Basis of current registration: This is a changed version of the work.

New material included in claim: All cinematographic materials and revisions added to the screenplay. The

Motion Picture is a sequel to the motion picture "Twilight" and "The

Twilight Saga: New Moon".

Certification

Name: Janet Chowsangrat

Date: June 30, 2010



Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17. United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number PA 1-653-512

Effective date of registration: November 24, 2009

Title -			
Title of Work: Nature of Work: Completion/ Publication - Year of Completion:			
	Date of 1st Publication:	November 20, 2009 Nation of 1st Publication: United States	
Author -	 Author: 	Summit Entertainment, LLC	
	Work made for hire:	Yes	
	Citizen of:	United States	
	An oxymous:	No Pseudonymous: No	
Copyrigh	it claimant ——		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		Summit Entertainment, LLC	
		1601 Cloverfield Blvd, Suite 200S, Santa Monica, CA 90404	
Limitation of copyright claim Material excluded from this claim: The screenplay entitled "New Moon" (registration pending) The motion picture "Twilight" (Registration No.: PA 1-616-599)			
	Previously registered:	Yes	
Previo	us registration and year:	Pending 2008	
New ma	aterial included in claim:	All cinematographic material and revisions added to the screenplay. The Motion Picture is a sequel to the Motion Picture "Twilight".	
Certificat	ion ———		

EXHIBIT B

TWILIGHT

Reg. No. 3,861,517

SUMMIT ENTERTADIMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET

Registered Oct. 12, 2010 SUITE 120

SUITE 120 SANTA MONTCA, CA 90404

Int. Cl.: 5

FOR: ADHESIVE BANDAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 3-0-2009, IN COMMERCE 3-0-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640,049, FILED 12-25-2008.

CYNTHIA TRIPI, EXAMINING ATTORNEY



V

TWILIGHT

Reg. No. 3,884,386

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Nov. 30, 2010 SANTA MONICA, CA 90404

Int. Cl.: 9

TRADEMARK

FOR: PRE-RECORDED DVDS AND OTHER AUDIOVISUAL RECORDINGS FEATURING MOTION PICTURES AND DOCUMENTARIES; MOTION PICTURE FILMS IN THE FIELDS OF DRAMA AND ROMANCE; AND MOUSEPADS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36

AND 38).

PRINCIPAL REGISTER

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR

SN 77-980,354, FILED 6-25-2008.

SKYE YOUNG, EXAMINING ATTORNEY



Director of the United Seven Press and Protection Office

TWILIGHT

Reg. No. 4,084,243

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET

Registered Jan. 10, 2012 SUITE 120

Int. Cls.: 9 and 41

SANTA MONICA, CA 90404

FOR: MAGNETS, DECORATIVE MAGNETS SOLD IN SHEETS, COMPUTER GAME SOFT-WARE, DECORATIVE MAGNETS, LAPTOP CARRYING CASES, AND VIDEO GAME

SOFTWARE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK SERVICE MARK

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

PRINCIPAL REGISTER

FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING ONLINE COMPUTER GAMES,

IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 9-0-2008; IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640,050, FILED 12-25-2008.

CYNTHIA TRIPI, EXAMINING ATTORNEY



Degener of the United States Paters and Frederick Office

United States of America United States Batent and Arahemark Office United States Patent and Crademark Office

TWILIGHT

Reg. No. 4,067,513

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Dec. 6, 2011 SANTA MONICA, CA 90404

1630 STEWART STREET, STE. 120

Int. Cl.: 16

FOR: CALENDARS; STICKERS; POSTERS; GREETING CARDS, MAGAZINES FEATURING

MOTION PICTURES, TRADING CARDS, ART PICTURES, ART PAPERS, AND DECALS, IN

CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

TRADEMARK

FIRST USE 9-22-2008; IN COMMERCE 9-22-2008.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-509,417, FILED 6-26-2008.



TWILIGHT

Reg. No. 3,884,385

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, STE. 120

Registered Nov. 30, 2010 SANTA MONICA, CA 90404

Int. Cl.: 18

TRADEMARK

FOR: ALL PURPOSE CARRYING BAGS, BACK PACKS, BEACH BAGS, WALLETS, PURSES,

BUSINESS CARD CASES, PET CLOTHING, LUGGAGE, AND MESSENGER BAGS, IN

CLASS IB (U.S. CLS. 1, 2, 3, 22 AND 41).

PRINCIPAL REGISTER

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-980,353, FILED 6-26-2008.

SKYE YOUNG, EXAMINING ATTORNEY



Charles of the Eight forty Pages and Dadward (1956)

TWILIGHT

Reg. No. 4,063,716

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Nov. 29, 2011 SUITE 120

1630 STEWART STREET

Int. Cl.: 21

SANTA MONICA, CA 90404

TRADEMARK

FOR: LUNCHBOXES, BEVERAGEWARE, CANDY BOXES, CERAMIC FIGURINES, AND DECORATIVE CERAMIC TILES NOT FOR USE AS BUILDING MATERIALS, IN CLASS 21

(U.S. CLS, 2, 13, 23, 29, 30, 33, 40 AND 50).

PRINCIPAL REGISTER

FIRST USE 10-1-2008; IN COMMERCE 10-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-640,052, FILED 12-25-2008.

CYMTHIA TRIPI, EXAMININO ATTORNEY



Develop of the United States Patent and Frederical, Office

TWILIGHT

Reg. No. 3,944,718

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

SUITE 200, SOUTH TOWER Registered Apr. 12, 2011 1601 CLOVERFIELD BOULEVARD

Int. Cl.: 25

SANTA MONICA, CA 90404

TRADEMARK

FOR: CLOTHING, NAMELY, T-SHIRTS, LOUNGEWEAR, SOCKS, PANTS, SWEATSHIRTS, SWEATPANTS, BANDANAS, SCARVES, APRONS, IACKETS, TANK TUPS, VESTS, NECKTIRS, JERSEYS, SHIRTS, SWEATERS, BABYDOLL T-SHIRTS, INFANTWEAR, TRACK PANTS, AND HOODED SHIRTS; HEADWEAR; BELTS, AND WRIST CUFFS, IN CLASS 25 (U.S. CLS. 22 AND 39).

PRINCIPAL REGISTER

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,096, FILED 6-30-2008.



United States of America United States and Arabemark Office United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,867,985

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Oct. 26, 2010 1601 CLOVERFIELD BOULEVARD

SUITE 200, SOUTH TOWER

Int. Cl.: 26

SANTA MONTCA, CA 90404

TRADEMARK

FOR: BELT BUCKLES NOT MADE OF PRECIOUS METAL; ORNAMENTAL CLOTH PATCHES; EMBROIDERED PATCHES FOR CLOTHING; AND ORNAMENTAL NOVELTY

BUTTONS, IN CLASS 26 (U.S. CLS 37, 39, 40, 42 AND 50).

PRINCIPAL REGISTER

FIRST USF, 9-0-2008, IN COMMERCE 9-0-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-511,117, FILED 6-30-2008.



United States of America Maiton States Antent and Arabemark Office United States Patent and Trademark Office

TWILIGHT

Reg. No. 3,756,560 SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Mar. 9, 2010 SUITE 200, SOUTH TOWER 1601 CLOVERFIELD BOULEVARD

SANTA MONTCA, CA 90404

Int. Cls.: 41 and 45

FOR: ENTERTAINMENT IN THE NATURE OF ON-GOING DRAMATIC TELEVISION PROGRAMS, PRODUCTION AND DISTRIBUTION OF MOTION PICTURES, PROVIDING SERVICE MARK INFORMATION RELATING TO MOTION PICTURES, TELEVISION PROGRAMS AND PRINCIPAL REGISTER LITERARY WORKS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 4-18-2008; IN COMMERCE 4-18-2008. FOR: LICENSING OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES, PROVIDING ONLINE INFORMATION ON THE LICENSING OF MERCHANDISE ASSOCI-

ATED WITH MOTION FICTURES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 6-1-2008, IN COMMERCE 6-1-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-511,175, FILED 6-30-2008.



twilight

Reg. No. 3,817,079

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIADILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered July 13, 2010 SANTA MONICA, CA 90404

Int. Cl.: 45

FOR: LICENSING OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES; PROVIDING ONLINE INFORMATION ON THE LICENSING OF MERCHANDISE ASSOCI-

ATED WITH MOTION PICTURES, IN CLASS 45 (U.S. CLS. 100 AND 101).

SERVICE MARK

FIRST USE 6-1-2008, IN COMMERCE 6-1-2008.

PRINCIPAL REGISTER

THE MARK CONSISTS OF THE WORD "TWILIGHT" IN A STYLIZED FONT.

SER, NO. 77-852,862, FILED 10-20-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



LUNA TWILIGHT

Reg. No. 3,929,237

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Mar. 8, 2011 SANTA MONICA, CA 90404

Int. Cl.: 3

FOR: COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TRADEMARK

FIRST USE 8-1-2009; IN COMMERCE 8-1-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-746,864, FILED 5-28-2009.

DEBRA LEE, EXAMINING ATTORNEY



THE TWILIGHT SAGA

Reg. No. 4,079,451

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Jan. 3, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 4

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

TRADEMARK

FIRST USE 9-0-2009, IN COMMERCE 9-0-2009

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386 AND OTHERS.

SER, NO. 85-279,288, FILED 3-29-2011.

RATHERINE E. HALMEN, EXAMINING ATTORNEY



THE TWILIGHT SAGA

Reg. No. 4,016,125

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120 Registered Aug. 23, 2011 SANTA MONICA, CA 90404

Int. Cl.: 5

FOR: BANDAGES FOR SKIN WOUNDS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386 AND OTHERS.

SEIU NO. 85-279,289, FILED 3-29-2011

KATHERINE E. MALMEN, EXAMINING ATTORNEY



THE TWILIGHT SAGA

Reg. No. 4,016,126

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Aug. 23, 2011 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 30

FOR: CANDY AND CHEWING GUM, IN CLASS 30 (U.S. CL. 46).

TRADEMARK

FIRST USE 10-15-2009; IN COMMERCE 10-15-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICLE ARE COLD FOR COLOR

TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386 AND OTHERS.

SER. NO. 85-279,316, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



Director of the United States Patent and Trademark Office

THE TWILIGHT SAGA

Reg. No. 4,012,682

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Aug. 16, 2011 SANTA MONICA, CA 90404

Int. Cl.: 45

SERVICE MARK PRINCIPAL REGISTER FOR: LICENSING OF MERCHANDISE AND INTELLECTUAL PROPERTY ASSOCIATED WITH MOTION PICTURES; PROVIDING ONLINE INFORMATION ON THE LICENSING OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES; AND PROVIDING A SELEC-TION OF ONLINE ELECTRONIC GREETING CARDS, IN CLASS 45 (U.S. CLS. 100 AND

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,756,560, 3,884,386 AND OTHERS.

SER. NO. 85-279,320, FILED 3-29-2011.

KATHERINE E. HALMEN, EXAMINING ATTORNEY



TWILIGHT TRACKER

Reg. No. 3,793,131

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered May 25, 2010 SANTA MONICA, CA 90404

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

FOR: DOWNLOADABLE SOFTWARE THAT PROVIDES ACCESS TO MOVIE CONTENT AND TO PHOTOGRAPHS, NEWS AND INFORMATION REGARDING MOVIES, MOVIE TICKL'IS, SHOWLIMES AND MERCHANDISE, AND ALLOWS USERS TO SELECT AVATARS AND INTERACT WITH OTHER USERS, TO INTEGRATE WITH ONLINE SOCIAL NETWORKS, AND TO COMMUNICATE WITH OTHERS VIA A MESSAGE BOARD, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-17-2009; IN COMMERCE 9-17-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-874,255, FILED 11-17-2009.

SALLY SHIH, EXAMINING AUTORNEY



Dayyar of the United States Papers and (makings), Differ-

NEW MOON

Reg. No. 4,091,455

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Jan. 24, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 41

SERVICE MARK

PRINCIPAL REGISTER

FOR: PRODUCTION AND DISTRIBUTION OF MOTION PICTURES; PROVIDING INFORM-ATION RELATING TO MOTION PICTURES, TELEVISION PROGRAMS AND LITERARY WORKS; PROVIDING A WEBSITE L'EATURING INFORMATION ON MOTION PICTURES, LITERARY WORKS AND MUSIC; ONLINE COMPUTER GAMES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-859,421, FILED 10-28-2009.

ALLISON HOLTZ, EXAMINING ATTORNEY



Officerus; of the United States Preent and Trademark Office

NEW MOON

Reg. No. 4,091,454

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Jan. 24, 2012 SANTA MONICA, CA 90404

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

Int. Cl.: 30
TRADEMARK

FIRST USE 11-5-2009; IN COMMERCE 11-5-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-859,391, FILED 10-28-2009.

ALLISON HOLTZ, EXAMINING ATTORNEY



Variation VI

NEW MOON

Reg. No. 4,091,453

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120 Registered Jan. 24, 2012 SANTA MONICA, CA 90404

Int. Cl.: 26

FOR: ORNAMENTAL NOVELTY BUTTONS; ARMBANDS, ORNAMENTAL CLOTH

PATCHES, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50)

TRADEMARK

FIRST USE 10-0-2009; IN COMMERCE 10-0-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-859,386, FILED 10-28-2009.



NEW MOON

Reg. No. 4,091,452

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Jan. 24, 2012 SANTA MONICA, CA 90404

Int. Cl.: 3

FOR: COSMETICS, AND NON-MEDICATED LIP BALM, IN CLASS 3 (U.S. CLS 1, 4, 6, 50,

51 AND 52).

TRADEMARK

FIRST USE 8-0-2009; IN COMMERCE 8-0-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-859,316, FILED 10-28-2009.

INGRID C. EULIN, EXAMINING ATTORNEY



United States of America Muited States Natent and Arademark Office United States Patent and Trademark Office

NEW MOON

Reg. No. 3,795,792

Registered June 1, 2010 SANTA MONICA, CA 90404

Int. Cl.: 45

SERVICE MARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, I.L.C (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

FOR: LICENSING OF MERCHANDISE ASSOCIATED WITH MOTION PICTURES, PROVIDING ONLINE INFORMATION ON THE LICENSING OF MERCHANDISE ASSOCI-

ATED WITH MOTION PICTURES, IN CLASS 45 (U.S. CLS. 100 AND 101)

FIRST USE 1-1-2009; IN COMMERCE 1-1-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SER, NO. 77-859,422, FILED 10-28-2009.



United States of America Muited States Matent and Arademark Office United States Patent and Trademark Office

NEW MOON

Reg. No. 4,072,374

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Dec. 20, 2011 SANTA MONICA, CA 90404

Int. Cl.: 5

FOR: BANDAGES FOR SKIN WOUNDS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52)

TRADEMARK

FIRST USE 10-0-2009; IN COMMERCE 10-0-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR

SFR. NO. 77-859,320, FILED 10-28-2009.



NEW MOON

Reg. No. 4,072,373

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Dec. 20, 2011 SANTA MONICA, CA 90404

Int. Cl.: 4

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15)

TRADEMARK

FIRST USE 9-0-2009; IN COMMERCE 9-0-2009

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR,

SER. NO. 77-859,318, FILED 10-28-2009.

ALLISON HOLITZ, EXAMINING ATTORNEY



Director of the United States Patent and Trainment Office

NEW MOON

Reg. No. 4,094,140

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

1630 STEWART STREET, SUITE 120

Registered Jan. 31, 2012 SANTA MONICA, CA 90404

Int. Cl.: 18

FOR: ALL PURPOSE CARRYING BAGS, ALL PURPOSE CARRYING CASES, COSMETIC CASES SOLD EMPTY, HANDBAOS, MESSENGER BAGS, UMBRELLAS, AND WALLETS, DACKPACKS, BUSINESS CARD CASES, MAKEUP BAOS SOLD EMPTY, PET CLOTHING,

TRADEMARK

AND PURSES, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

PRINCIPAL REGISTER

FIRST USE 10-0-2009; IN COMMERCE 10-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-859,332, FILED 10-28-2009.



TWIHARD

Reg. No. 4,110,325

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)

Registered Mar. 6, 2012 SANTA MONICA, CA 90404

1630 STEWART STREET, SUITE 120

Int. Cl.: 25

FOR: CLOTHING, NAMELY, APRONS, HOODED SHIRTS, JACKETS, JERSEYS, LOLINGEWEAR, MATERNITY WEAR, NAMELY, MATERNITY SHIRTS, SHIRTS, SWEATSHIRTS, TANK TOPS; WIND RESISTANT JACKETS; FOOTWEAR; HEADWEAR, IN CLASS 25 (U.S.

TRADEMARK

CLS. 22 AND 39).

PRINCIPAL REGISTER

FIRST USE 9-22-2008; IN COMMERCE 9-22-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-

TICULAR-FONT, STYLE, SIZE, OR COLOR.

SN 85-976,081, FILED 9-14-2010.

JUSTINE D. PARKER, EXAMINING ATTORNEY



EXHIBIT C







Sir Theodore III played by Sammy Jack

Case 2:14-cv-00104-R-PJW Document 16 Filed 01/27/14 Page 198 of 204 Page ID #:581 Tanya Zoeller | :: Twiharder :: http://www.twiharder.com/cast-crew/tanya-zoeller Search this website... Search E f Stella Pond played by Tanya Zoeller Merchandise and Bar Mitzvahs. Donate Official twiharder Fan Club Submit Our strict privacy policy keeps your email address 100% safe & secure. Categories Recent Posts

